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Security Council

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Identical letters dated 27 April 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter that represents the position of the Syrian Arab Republic in respect of the eleventh semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the Security Council before the date of discussion of this report by the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 27 April 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

1. The Syrian Arab Republic cannot accept that the Secretary-General's reports on the implementation of Security Council resolution 1559 (2004) should continue to refer to the Syrian Arab Republic because it has fulfilled all obligations incumbent on it under that resolution, as indicated in the Secretary-General's eleventh semi-annual report and the preceding reports.

2. The Syrian Arab Republic deplores the observations contained in the report regarding the establishment of diplomatic relations between Syria and Lebanon and the delineation of their border. Those are strictly bilateral matters that concern only the two countries involved. The Syrian Arab Republic affirms that it is most solicitous of Lebanon's sovereignty, political independence and territorial integrity.

3. The aim of repeated mention of border delineation in the reports of the Special Envoy of the Secretary-General is to provoke problems between the two fraternal countries. It should be noted that the United Nations is supposed to help resolve such problems, should they in fact exist.

4. The Syrian Arab Republic rejects the report's allegations that the arms embargo is being violated: the report itself indicates that the United Nations does not have the means to verify those allegations. The Prime Minister of Lebanon confirmed that reports of arms smuggling were inaccurate, likening them to the allegations concerning Iraqi weapons of mass destruction. The Lebanese Minister of Defence and the Commander of the Lebanese Army have also denied those allegations.

5. If the person responsible for preparing this report was truly concerned about Lebanon's sovereignty and territorial independence, he should first address Israel's daily violation of Lebanese sovereignty by land, sea and air, which it commits in full view of the world, before turning his attention to allegations and false information. He should also bring effective pressure to bear on Israel to withdraw from the Lebanese territory it continues to occupy and to cease its violations. Otherwise, talk of respect for Lebanon's sovereignty serves as a mere fig leaf for the violation of that sovereignty, as well as a sign of disrespect for the elected Government of Lebanon and an invitation to undermine Lebanese-Syrian relations.

6. The report refers to the fact that the President of the Syrian Arab Republic had hosted in Damascus the President of the Islamic Republic of Iran and the Secretary-General of Hizbullah. The Syrian Arab Republic believes that this constitutes unacceptable interference in Syria's internal affairs and its foreign relations inasmuch as those are sovereign matters that do not concern the United Nations. We further believe that meetings that take place in Syria do not fall within the scope of resolution 1559 (2004).

7. United Nations officials responsible for following up implementation of resolution 1559 (2004) must respect the limits of their mandate. It is unacceptable that they should expand that mandate beyond monitoring implementation of the resolution to include the assessment of States' policies and bilateral relations. We

believe that the Security Council and the Secretariat have a responsibility to hold those officials accountable for this serious breach.

8. It is surprising that the United Nations should choose to follow up certain resolutions and to ignore other resolutions concerning the Arab-Israeli conflict and the attainment of just and comprehensive peace in the region, and that it should adopt the Israeli position in that regard.

9. The Syrian Arab Republic emphasizes that the instability of the region is caused by the Israeli occupation of Arab territories in Syria, Lebanon and Palestine. If the representatives of the Secretariat are truly concerned with the stability of the region, they should take an impartial and serious approach when informing the United Nations, in particular the Security Council, of the crimes that Israel commits in full view of Member States and certain Security Council members.

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Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 6 (c) of Security Council resolution 1881 (2009), by which the Council requested me to report every 90 days on progress made towards implementing the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) across Darfur, as well as on the political process, the security and humanitarian situation and compliance by all parties with their international obligations. It covers the period from 1 February 2010 to 30 April 2010. As requested, the report also assesses progress made during the reporting period against benchmarks presented to the Council in my report of 16 November 2009 (S/2009/592).

II. Political developments

2. The reporting period witnessed several positive developments in the Darfur peace process. On 23 February 2010 in Doha, a Framework Agreement to Resolve the Conflict in Darfur between the Government of the Sudan and the Justice and Equality Movement (JEM) was signed. It had been negotiated and initialled in N'Djamena on 20 February 2010 under the auspices of Chadian President Idriss Déby Itno. The Presidents of the Sudan, Chad and Eritrea and the Emir of Qatar were present at the ceremony. The Agreement, which builds on the goodwill agreement of 17 February 2009 between JEM and the Government of the Sudan, includes the declaration of an immediate ceasefire, a commitment to release prisoners of war and the undertaking to negotiate a final peace agreement by 15 March 2010. Following the signing of the Agreement, the Government of the Sudan immediately released 57 JEM prisoners of war. Although the parties failed to agree on a ceasefire implementation protocol or a final agreement by the 15 March deadline, the ceasefire between JEM and the Government has largely been respected.

3. In the negotiations, significant steps were also taken towards the unification of armed movements. On 23 February 2010, the creation of the Liberation and Justice Movement (LJM) was announced, merging members of the Sudan Liberation Movement-Revolutionary Forces (Tripoli Group) and part of the Road Map Group (Addis Ababa Group) into a single new movement under the leadership of Eltigani

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Seisi Mohamed Ateem. The Government of the Sudan and LJM immediately engaged in negotiations and signed the Framework Agreement to Resolve the Conflict in Darfur in Doha on 18 March 2010. The mediation plans to manage the negotiations with JEM and LJM in parallel in the first stage, and then to merge the two sets of negotiations with a view to the conclusion of a final settlement.

4. In April 2010, the mediation conducted a series of capacity-building workshops for the armed movements in order to strengthen their cohesion, as well as their capacity and readiness to engage in direct negotiations with the Government. UNAMID has provided experts, including on ceasefire arrangements, to support the mediation's efforts. The mediation and UNAMID facilitated a workshop with LJM from 6 to 8 April 2010 on ceasefire implementation, in order to facilitate the cooperation between LJM and UNAMID and to enhance the stability of the ceasefire agreements.

5. Parallel negotiations between the Government of the Sudan and JEM on a detailed ceasefire agreement and between the Government and LJM on specific security arrangements continued until two days before the elections and are expected to resume in May 2010 with the newly elected Government in place.

6. Despite those positive developments, significant challenges remain in the peace process, including the ongoing insecurity and allegations of ceasefire violations, the lack of cohesion among the armed movements, the refusal by Abdul Wahid to participate, and limited progress towards the establishment of ceasefire arrangements and a comprehensive agreement.

7. In the context of the peace process, the mediation, in collaboration with UNAMID, launched a series of civil society consultations aimed at building on the conclusions of the first Darfur civil society conference, held in Doha on 18 November 2009. The consultations were designed to incorporate the views and interests of Darfur's diverse communities into any future negotiations.

8. In January and February 2010, UNAMID conducted 32 conferences and public meetings throughout Darfur to disseminate the November 2009 Doha Civil Society Declaration on Darfur and to mobilize support among the population. While some groups of internally displaced persons, especially from camps in Western and Southern Darfur, had declined to take part in the conference in November 2009, several of them took part in the most recent round of consultations.

9. Additionally, civil society consultations have been expanded to include the nomadic communities and trade unions as well as the diaspora and refugee communities living in Chad. Preparatory consultations, in the form of workshops and public forums, covered 29 localities in the three Darfur States and included a total of 4,537 participants, 30 per cent of whom were women. Four consultations were conducted exclusively with women, on justice, reconciliation and compensation, land and security, and power-sharing and constitutional arrangements. UNAMID and the mediation are consolidating into an outcome document the recommendations provided by civil society in the consultations. Going forward, the mediation is planning to convene a second civil society conference, which will be held in Doha after the national elections.

10. There have been a number of positive developments towards the normalization of relations between the Sudan and Chad, including a 15 January 2010 agreement and a visit by President Déby to Khartoum on 8 and 9 February, during which the

two leaders pledged to renew efforts aimed at peace and stability. The visit — the first since 2004 — and the subsequent appointment of a Chadian ambassador to Khartoum constitute concrete achievements in the international community's efforts and a positive step towards enhancing security in Darfur. A joint border monitoring force consisting of 1,500 Sudanese troops and 1,500 Chadian troops has begun to deploy to the border area, and the rapprochement has had a positive impact on the security situation along the border, with no cross-border incidents recorded by UNAMID during the reporting period. However, the relocation of Chadian armed opposition groups from the border to Northern Darfur continues to create a risk of insecurity in those areas.

11. During the reporting period, the Joint Special Representative undertook consultations with parties to the conflict and a broad range of stakeholders, including Member States, regional organizations and non-governmental organizations. The Joint Special Representative met with Abdul Wahid, leader of the Abdul Wahid faction of the Sudan Liberation Army (SLA), on two separate occasions to urge him to permit access to areas under his movement's control, facilitate participation in the civil society consultations, and assist UNAMID in retrieving equipment lost during an ambush on 5 March 2010. In support of the mediation, he also urged Abdul Wahid to join the peace process, echoing the message that Abdul Wahid had been receiving from Joint Chief Mediator Djibrill Bassolé.

12. The Joint Special Representative hosted a retreat in Kigali on 27 February 2010 involving special envoys from China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union, as well as the United Nations Mission in the Sudan (UNMIS), the mediation and the United Nations country team. The group discussed the nexus among peace, security, recovery and development in Darfur with a view to bringing greater synergy to the international community's efforts in Darfur and capitalizing on the positive momentum generated by recent developments in the peace process. During the retreat, the Joint Special Representative outlined a strategy for taking forward the Operation's mandate: (a) improved security on the ground, achieved through a robust posture on the part of the mission; (b) support for the work of the mediation in Doha; (c) support for the United Nations country team to ensure the provision of continuous and uninterrupted support to the people of Darfur; and (d) contribution to the ongoing efforts to normalize relations between Chad and the Sudan.

13. UNAMID has worked to ensure that conflict resolution in Darfur at the national and international levels is complemented by support for the resolution of local-level conflicts. Such conflicts have been exacerbated in recent years by environmental degradation, demographic growth and the weakening of traditional conflict resolution mechanisms. UNAMID has continued to monitor and facilitate local reconciliation initiatives, particularly in Western and Northern Darfur, including through technical and logistical support for the Peace and Reconciliation Council of the Transitional Darfur Regional Authority, the native administration and the reconciliation committees established under the traditional *Ajaweed* and *Judiya* systems.

14. In particular, UNAMID supported the native administration, local authorities and the Peace and Reconciliation Council in organizing three meetings and an

intercommunal social coexistence ceremony held between the Birgid and the Zaghawa tribes on 23 February 2010 in Shangil Tobay, Northern Darfur. The ceremony brought together more than 1,000 people from the Zaghawa, the Birgid and other, affiliated tribes in a public manifestation of their commitment to peaceful coexistence. That was an encouraging development, as clashes between Zaghawa and Birgid have constituted a source of recurrent instability and civilian displacement since the clashes that occurred in Muhajeria, Southern Darfur, in February 2009.

15. In Western Darfur, UNAMID continued to support and monitor the activities of the native administration and the peace committees established to protect the reconciliation agreements reached in June 2009 between the Dourti community of internally displaced persons and the Arab community of Umm Al-Qura.

Electoral process

16. With regard to the campaigning period that began on 13 February 2010, electoral campaigns, after a slow start, gradually intensified in Darfur. The campaign of the National Congress Party was the most visible throughout the region. The Popular Congress Party, the Sudan People's Liberation Movement (SPLM) and independents also campaigned vigorously, but other parties have claimed that the ongoing imposition of the 1997 State of Emergency Law restricted active campaigning. President Al-Bashir campaigned in Darfur on 24 February 2010, while then-presidential candidate Yasir Arman of SPLM held several rallies in Al Da'ein, Nyala and El Fasher in March 2010.

17. On 31 March 2010, SPLM announced that it was withdrawing the candidacy of Yasir Arman from the race for the presidency and that it would not contest elections in Darfur, stating that the electoral environment was not conducive to free and fair elections. The Communist Party of the Sudan, the National Umma Party and the Umma Reform and Renewal Party also withdrew their candidates from all levels of the elections. Opposition parties claimed that they were not satisfied with the response of the Government of the Sudan to their demands for reform of the electoral environment and postponement of the elections. Nevertheless, since the official deadline for the withdrawal of candidates had passed, the names of candidates who had announced their withdrawal remained on the ballots, and any votes cast for them will be counted by the National Elections Commission.

18. Although no major security incidents were reported during the campaigning period, challenges and constraints were nevertheless encountered, including sporadic violence and reports of intimidation. Between 5 and 7 March 2010, 13 opposition supporters were detained and reportedly beaten by members of the National Intelligence and Security Service in Arara, Western Darfur. Also in Western Darfur, two drivers were reported killed in an attack by unknown elements on a convoy composed of border guard security officers who had reportedly been campaigning for the National Congress Party.

19. In addition, opposition parties raised concerns regarding irregularities in the preparations for the elections. In Northern Darfur, opposition parties claimed that the relocation of numerous polling stations on the advice of State security authorities was politically motivated and had disproportionately affected their supporters. On 12 April 2010 in Western Darfur, it was reported that two members

of the Democratic Union Party had been arrested in El Geneina by the National Intelligence and Security Service and released the next day, allegedly for having protested election irregularities. Also in Western Darfur, the State high committee declined to use UNAMID assets placed at its disposal for the transport of election materials, using Government military helicopters instead. UNAMID expressed concerns about that development to relevant Sudanese authorities.

20. With the exception of the Jebel Marra and Jebel Moon areas, voting took place in Darfur from 11 to 15 April 2010 (after the National Elections Commission had extended the polling from three to five days nationwide). Voting occurred in camps for internally displaced persons where polling centres had been established, although internally displaced persons in other camps, including Zalingei, did not participate. There were some reports of delays and logistical challenges, combined with a high security presence. There were also reports, denied by the National Intelligence and Security Service, of the arrest and harassment of opposition candidates or their supporters by Service officials. On 11 April 2010 in Southern Darfur, there were reports that internally displaced persons from the Kalma camp had been harassed and prevented from travelling to Nyala to vote. Also on 11 April, the sheikh of the Tabarak Allah area, in Northern Darfur, was reportedly detained by the National Intelligence and Security Service in Al Sereif, allegedly because of his political affiliation.

21. Despite the 23 February 2010 ceasefire between the Government and JEM, JEM commanders in Jebel Moon, Western Darfur, informed UNAMID that they would not allow electoral activities to take place in areas under their control and warned the Operation against moving within those areas during the polls or helping the Government to deliver electoral materials. The National Elections Commission confirmed that 14 out of the 23 polling stations in Serba (Kulbus), Western Darfur, were closed on the first day of polling.

22. While the European Union withdrew the 6 observers it had allocated to Darfur, for security reasons, the African Union, the League of Arab States, the United States, Japan, the Carter Centre and others sent at least 31 observers to Darfur. Domestic observers were also present.

23. UNAMID provided support to UNMIS and the National Elections Commission in preparation for the elections. UNAMID police provided training on elections security management, including crowd control, and a "training-the-trainers" course to 9,151 Government police officers across Darfur (3,118 Government of the Sudan officers from Northern Darfur, 2,913 from Southern Darfur and 3,120 from Western Darfur). In total, 8,810 officers at the operational level and 341 officers at the middle-management level from the three Sectors of Darfur were trained.

24. The United Nations also provided aviation and movement support for the elections, including the transport of 305 metric tons of polling material to 33 locations throughout Darfur. Five additional medium-utility helicopters were provided to UNAMID for electoral support. In addition, aviation support was provided, when required, to Sudanese State high committee staff members for travel from Darfur State capitals to Khartoum and back. Accommodation and limited transport were also provided to election observers.

III. Security situation

25. While there have been some positive developments regarding the political process, several clashes between the Sudanese Armed Forces (SAF) and SLA-Abdul Wahid forces in eastern Jebel Marra, as well as intermittent clashes between SAF and JEM before the signing of the Framework Agreement on 23 February 2010, occurred during the reporting period. In addition, intercommunal clashes were reported between the Misseriya and the Nawaiba-Rizeigat tribes in the Nertiti-Zalingei-Kas triangle, in Western and Southern Darfur.

26. Insecurity in Jebel Marra intensified in January 2010, following reported intrafactional fighting among SLA-Abdul Wahid groups and unconfirmed clashes between SAF and SLA-Abdul Wahid in Deribat, Suni, Leiba, Feina, Kara, Dobo and Fanga Suk villages. Both the Government of the Sudan and SLA-Abdul Wahid have claimed to control those locations, but, owing to the lack of access to the area, UNAMID has not been able to verify those claims.

27. While exact numbers of casualties and displaced persons have not been confirmed, the humanitarian community has estimated that approximately 2,000 households have been displaced to Nertiti, Western Darfur, as a result of violence, and community leaders and the Government of the Sudan Humanitarian Aid Commission estimate that 600 households have been displaced to Thur and 1,760 households to Guildo, Western Darfur. Newly displaced individuals in the Hassa Hissa camp for internally displaced persons, in Zalingei, Western Darfur, reported that their villages, east of Golo in Jebel Marra, had come under aerial bombardment and ground attack on 24 February 2010 by armed men in uniforms who had indiscriminately opened fire on civilians. UNAMID has thus far been unable to verify those claims.

28. In February 2010, looting activities were recorded along the Zalingei-Nertiti and Thur route, including the ambush on 19 February 2010 of a convoy of vehicles belonging to the Government of the Sudan water, environment and sanitation agency. In the ambush, a Government of the Sudan police officer belonging to the Misseriya tribe was killed by the perpetrators, suspected to be from the Nawaiba-Rizeigat tribe. A reconciliation committee was immediately formed to settle the case, and the two tribes agreed on the payment of compensation.

29. However, on 3 March 2010, an umda of the Misseriya tribe who was a member of the reconciliation committee was killed at the Khormala market in Western Darfur, allegedly by a Nawaiba gunman. This led to a series of reported clashes during March 2010 in the area between Zalingei (Western Darfur) and Kas (Southern Darfur), resulting in at least 182 fatalities and an unknown number of displacements in March alone. This was the highest number of casualties in a single month in the history of the Operation's presence in Darfur. A Government of the Sudan delegation from Khartoum facilitated the signing of a peace agreement between the two communities in Zalingei and Kas on 24 and 27 March 2010.

30. During the reporting period, UNAMID was the target of a number of deliberate attacks. On 16 February 2010, seven personnel of the Pakistani formed police unit were injured — three of them critically — during an attack on its patrol to the El Sereif camp for internally displaced persons, 7 km west of Nyala. Two vehicles were seized by the attackers and later recovered. One suspect was arrested by Government of the Sudan officials. In response, UNAMID has taken measures to

enhance security for police patrols, including the use of at least two protection vehicles with every patrol and the increased use of armoured personnel carriers during police patrols.

31. On 5 March 2010, a UNAMID patrol from Kas to Deribat (Southern Darfur) comprising 56 military contingent members, two military observers, four police advisers and a language assistant, on an assessment and verification mission following reports of fighting in the area, was detained by armed elements at Kawara village, 50 km north-east of Kas. The perpetrators took UNAMID equipment and personal belongings, including vehicles, weapons and communications equipment. UNAMID is conducting a full internal investigation into the incident and will conduct a joint investigation with the Government thereafter on aspects of mutual concern. UNAMID is actively working to retrieve the stolen weapons and communications equipment.

32. There were 26 restrictions on the Operation's freedom of movement recorded during the reporting period. Approximately half of these were related to Government of the Sudan officials, while other incidents involved JEM and the Minni Minnawi, Abdul Shafi and Abdul Wahid factions of SLA, as well as Chadian armed opposition groups. In each case, the issue was brought to the attention of the concerned parties, but the restrictions on movement continue to hamper the mission's activities throughout Darfur.

33. On 17 February 2010, a UNAMID national staff member was detained by the National Intelligence and Security Service at the market in Zalingei (Western Darfur) and held for four hours.

34. Carjacking incidents also continued to pose a threat to the international community, with 10 vehicles seized from staff of the United Nations and of non-governmental organizations during the reporting period. Four vehicles belonging to the United Nations were subsequently recovered.

35. The risks posed to the safety and security of United Nations and associated personnel continue to be of grave concern. The number of kidnapping incidents has increased since last year, and, while most of the hostages have been freed, the length of the detentions has had a considerable effect on the well-being of the hostages and their families. This includes a representative of the International Committee of the Red Cross, who was taken hostage in El Geneina (Western Darfur) and held for 148 days until 15 March 2010, and two staff members of the international non-governmental organization Triangle Génération Humanitaire, who were seized in the Central African Republic in November 2009 and held in Western Darfur until 14 March 2010.

36. On 11 April 2010, four UNAMID police advisers went missing en route from their duty station to their residence in Nyala, Southern Darfur. As at 15 April, it appeared that the officers were being held by individuals claiming to represent a splinter rebel group in Darfur. On 26 April 2010, the four peacekeepers were released into the custody of UNAMID in Nyala, and they are expected to be repatriated to South Africa shortly.

37. During the reporting period, as part of its mandate to facilitate a secure environment in Darfur and contribute to the protection of civilians, the UNAMID military component conducted 325 routine patrols, 597 short-range patrols, 314 long-range patrols, 922 night patrols, 165 humanitarian escorts and 605 logistics/

administrative patrols, covering 4,877 villages and camps for internally displaced persons.

38. UNAMID police conducted a total of 13,878 patrols, including firewood, farm, confidence-building, monitoring and long-range patrols. The patrols included firewood and water protection, ensuring security in camps for internally displaced persons, expanding safe areas for livelihood activities, ensuring the free movement of civilians, and facilitating humanitarian assistance provided by other United Nations agencies and non-governmental organizations. In particular, the number of long-range patrols was significantly increased, with a total of 41 patrols during the reporting period aimed at opening up additional land routes, assessing security conditions, establishing communication with communities and confidence-building.

39. The community policing initiative was further expanded during the reporting period. Of the 70 community policing centres planned, 47 are now operational, although only 14 have been physically constructed. In order to address crime in a proactive manner and encourage citizen participation in crime management, 1,516 new community policing volunteers have been selected, 560 of whom have been trained in camps and communities for internally displaced persons. Community policing volunteers provide a crucial liaison between UNAMID and Government of the Sudan police, especially in resolving crime-related issues. Among other functions, the volunteers also work to provide a secure environment for vulnerable groups, such as women and children, and serve as a neighbourhood watch in camps for internally displaced persons 24 hours a day, 7 days a week.

40. In order to better ensure the security of internally displaced persons, UNAMID facilitated the formation of community safety committees in camps for the displaced throughout Darfur, contributing to the establishment of 11 such committees.

41. UNAMID conducted general mine assessments in 61 villages and verified a total of 3,087 km of roads. In collaboration with partners, education on explosive remnants of war/mine risks, including training for community leaders and school teachers on the threat of unexploded ordnance devices, was delivered to 7,508 individuals. A total of 457 pieces of unexploded ordnance were destroyed. Despite those efforts, accidents continued to occur during the reporting period, including seven unexploded ordnance-related accidents involving minors. With the theme "Together we protect our children against the risk of explosive remnants of war/unexploded ordnance", a mine awareness day was organized on 7 April 2010.

42. On 1 April 2010, the Government of the Sudan concluded a discharge exercise for 900 former combatants in Nyala (Southern Darfur). This brought to 1,207 the total number of former combatants discharged since the unilateral initiative of the Government of the Sudan was launched in November 2009. Those discharged in Southern Darfur included 560 members of the signatories to the Declaration of Commitment to the Darfur Peace Agreement and 340 personnel associated with the Sudanese Armed Forces and its affiliates. UNAMID provided logistical support for the exercise, including security and transport. The ongoing exercise is part of the Government's plan to discharge 5,000 former combatants affiliated with signatories to the Declaration.

IV. Humanitarian situation

43. The reporting period saw a number of initiatives to define the scope for early recovery opportunities in Darfur. On 27 February 2010, a high-level retreat was held in Kigali upon the initiative of the UNAMID Joint Special Representative; it brought together the special envoys for the Sudan of the United Kingdom, France, the Russian Federation, the United States and the European Union and the representatives of the United Nations country team. They agreed to endorse a dual-track approach, combining the delivery of humanitarian relief assistance with activities conducive to early recovery in Darfur. Such an approach would entail capitalizing on the relative stability in some areas of Darfur in order to implement projects with a longer-term perspective, which would also contribute to the socio-economic reintegration and reinsertion of ex-combatants and internally displaced persons, regardless of whether they decide to return home, resettle elsewhere or integrate into the communities in which they are currently based.

44. On 21 March 2010, an international donor conference on development and reconstruction in Darfur was held in Cairo under the auspices of the Organization of the Islamic Conference. The conference was attended by a large number of donors, including non-traditional donors and charitable organizations. A sum of $850 million was pledged. The conference also saw the adoption of a proposal, submitted by the State of Qatar, on a development bank for Darfur to be based in the Sudan. The projects to be financed through the pledges centred on the following sectors of top priority for the citizens of Darfur: water, agriculture, livestock and forestry, cement production, road infrastructure, agricultural processing, housing and physical planning, rural development, women's development, capacity-building, health and education.

45. The protection of civilians continues to be one of the major priorities for UNAMID. In February 2010, the Operation adopted an internal strategy for civilian protection, aimed at harmonizing the actions of a wide variety of actors working in Darfur. Efforts are continuing to roll out the strategy to all components of UNAMID, including the military and police components, through the provision of consolidated and holistic training.

46. The humanitarian situation in the well-established camps for internally displaced persons remains stable. During the reporting period, food distributions carried out by the World Food Programme at some 300 points throughout Darfur regularly reached more than 95 per cent of the intended beneficiaries. Approximately 4.2 million vulnerable people continued to receive the direct food assistance of the Programme in this manner.

47. The continuous availability of a safe water supply was ensured for more than 1.2 million internally displaced persons through support for the operation and maintenance of more than 650 water systems, including the chlorination of the water supply. During the reporting period, a safe water supply was provided for 32,500 additional internally displaced persons and hosting communities through the construction of new water sources and was re-established for 26,000 through the rehabilitation of existing water sources.

48. Bilateral efforts are under way on the ground to provide assistance to internally displaced persons who are already returning voluntarily or who may decide to do so in the near future. In Southern Darfur, the Humanitarian Aid

Commission registered 24,925 households returning to 53 villages, 2 of which — Donkey Dereisa and Muhajeria — have already undergone verification by the International Organization for Migration. Continuing its recovery efforts with bilateral partners, the Government constructed a number of "model return villages" across Darfur, located in Baba, Am Ksara, Muraya Gange (completed, with the presence of Government of the Sudan police), Fasha, Domaya, Am Kardose and Halof. The villages generally provide returnees with improved living quarters and access to services.

49. During the reporting period, humanitarian access was uneven and, in some cases, restricted owing to renewed fighting in eastern Jebel Marra and Jebel Moon, controlled by SLA-Abdul Wahid and JEM, respectively. Since 2007, humanitarian and UNAMID missions to those areas have been constrained by recalcitrant commanders on the ground. UNAMID supported the efforts of the Resident and Humanitarian Coordinator and the United Nations country team in maintaining liaison with Government actors and achieving a coordinated and collective response to the crisis, in particular to facilitate unhindered humanitarian access to affected populations in the area. The main localities affected by the ongoing insecurity and in which humanitarian access has been hampered are Leiba, Fuguli, Kara, Kidingeer, Feina and Deribat, in Southern Darfur, and Fanga Suk, in Northern Darfur. Currently, no health services are available, and important gaps are likely to exist in water and sanitation services and livelihood/agricultural assistance. United Nations agencies and non-governmental organizations have reinforced their preparedness, but, until access is granted, the assessment of needs and the delivery of aid will remain limited.

50. Upon reaching the JEM-controlled areas in Jebel Moon, Western Darfur, UNAMID organized and carried out field assessment missions to Silea and surrounding villages, where approximately 4,000 individuals sought shelter. In addition, it was agreed that JEM would facilitate humanitarian missions to the area under its control upon the receipt of a clear request.

51. Restricted access also extended to some areas of Southern Darfur in the vicinity of Kas, following fighting between the Rizeigat and the Misseriya. UNAMID and partners appealed to local leaders as well as State-level authorities to exercise their influence within the communities to stop the conflict and address the needs of communities in terms of humanitarian assistance and basic services. An assessment mission carried out by the humanitarian community has confirmed the presence of approximately 10,600 internally displaced persons in Kas. Those families are receiving necessary assistance.

52. Access to the urban areas outside the three Darfur State capitals has slightly improved as a result of the presence of UNAMID team sites and the intensification of short- and long-range patrolling activities in more remote areas. With the gradual increase in the deployment of UNAMID military and police personnel, patrolling activities have been diversified in terms of both scope and time frame, allowing the commencement of night patrols to more than 2,000 towns and settlements across Darfur.

V. Rule of law, governance and human rights

53. During the reporting period, there was improvement in the working relations between UNAMID and the Government of the Sudan with respect to some rule-of-law issues, in particular regarding prisons. However, ongoing reports of human rights violations — especially against women — as well as reports of arbitrary arrest and detention in many parts of Darfur, continued.

54. Civilians continued to experience insecurity in the form of sexual and gender-based violence. In connection with clashes in Jebel Marra, UNAMID documented nine cases of such violence, including rape, attempted rape and physical assault perpetrated by unidentified armed men. The lack of access to the area suggests that the number may be higher. In two documented cases of rape, in which the victims were minors, Government of the Sudan police pursued and arrested the perpetrators.

55. In an effort to strengthen prevention and response with regard to sexual and gender-based violence, UNAMID, United Nations agencies and international non-governmental organizations initiated the development of standard operating procedures to ensure systematic coordination, the complementarity of initiatives and streamlined reporting, with a view to redefining operational strategies and filling the gap left in prevention and service provision efforts following the March 2009 expulsion of a number of international organizations working in the area.

56. During the reporting period, UNAMID documented 37 cases of arbitrary arrest and detention, 14 of which were conducted by the National Intelligence and Security Service, 17 by Military Intelligence, 5 by the Sudanese Armed Forces and 2 by the Minni Minnawi faction of SLA. The powers of arrest and detention granted to the Service and to Military Intelligence continue to be an issue of concern, particularly regarding the enjoyment of the right to fair trial and due process.

57. In a positive development, a memorandum of understanding was signed on 21 February 2010 between Government of the Sudan prison authorities and UNAMID. The agreement paves the way for unrestricted access for UNAMID to all prisons in Darfur. If implemented, it will enable the mission to assist in strengthening the prison system in Darfur in accordance with international standards.

58. Regarding the capacity-building of Sudanese prison institutions, the United Nations Development Programme provided funding for the participation of selected Government of the Sudan prison directors in the second conference of the International Corrections and Prisons Association and the African Correctional Services Association, held from 8 to 10 April 2010 in Freetown. The Programme, UNAMID and Government prison authorities also co-organized a training course conducted in El Fasher from 14 to 18 March 2010, entitled "A human rights approach to prison management: basic prison duties", for 31 prison staff from Northern Darfur, including 9 women. Similar training programmes were conducted in Zalingei and El Geneina, Western Darfur.

59. On 6 and 7 February 2010, UNAMID opened a legal aid help desk at the Nyala Central Prison in order to increase access to justice and basic human rights programmes for Darfurians. The launch also included a workshop on legal aid, which was attended by the United Nations Independent Expert on the situation of human rights in the Sudan, Justice Mohamed Chande Othman, who visited Darfur

from 3 to 9 February 2010. Sixty detainees (including 20 women) and 40 Government police officials (including 15 women) attended the workshop.

60. On 9 February 2010, UNAMID and the Advisory Council for Human Rights jointly organized the third Darfur Human Rights Forum in El Fasher, in order to engage in constructive dialogue with the Government of the Sudan on human rights concerns and to enhance the protection and promotion of human rights. The meeting was attended by representatives of local government authorities, the diplomatic community and United Nations agencies. The Wali of Northern Darfur subsequently issued a decree establishing a Northern Darfur human rights sub-forum.

61. With regard to capacity development, UNAMID Police conducted training programmes on criminal investigation for 50 Government of the Sudan police personnel, as well as training courses for 175 movement police personnel on sexual and gender-based violence, human rights and community policing.

62. Gender mainstreaming and awareness-raising workshops were held in all Darfur States with various stakeholders, including staff of the Northern Darfur Ministry of Social Welfare and Nyala Technical College and members of the Southern Darfur State committee on combating sexual and gender-based violence. From 10 February to 10 April 2010, a "training-the-trainers" course was conducted for 35 UNAMID gender officers in order to establish a pool of mobile instructors to provide capacity-building for gender officers, family and child protection police officers, and internally displaced persons.

63. During the reporting period, UNAMID entered into dialogue with the parties to the conflict with a view to securing commitments to action plans aimed at ending the recruitment and use of child soldiers. The leadership of the armed groups — SLA-Free Will, JEM-Peace Wing and SLA-Abu Gasim — agreed to enter into action plans with the United Nations and welcomed the technical guidance provided. The armed groups, however, raised concerns that children who were released might be re-recruited by rival factions, and urged that the support provided for the rehabilitation and reintegration programmes for former child soldiers be extended to other children affected by the armed conflict. Concerning the release of children, during the reporting period 574 children associated with JEM-Peace Wing, SLA-Peace Wing and the Movement of Popular Forces for Rights and Democracy were released and demobilized. This brought to 957 the total number of children associated with the armed groups released thus far, out of the 2,000 children registered for release.

VI. UNAMID deployment

64. As at 15 April 2010, the personnel strength of the UNAMID military component stood at 17,157, representing 87 per cent of the authorized strength of 19,555. This included 16,558 troops, 333 staff officers, 61 liaison officers and 205 military observers. During the reporting period, the main body of two infantry battalions arrived in Darfur: the Tanzanian infantry battalion and the second Ethiopian infantry battalion completed their planned deployment, bringing the number of the Operation's infantry battalions to 16, out of the mandated 18. In addition, the main body of the Sierra Leone sector reconnaissance company has deployed to the mission area.

65. The Ethiopian tactical helicopter unit was deployed in Nyala on 16 February 2010. The construction of the first taxiway and apron for helicopter parking has been completed, with the remaining construction work expected to be complete by the end of April 2010.

66. Of the 12 military units and the 6 formed police units yet to be deployed, 6 military units (2 medium transport units, 3 medium-utility helicopter units and 1 aerial reconnaissance unit) have yet to be pledged. It is planned that all pledged military and police units will be deployed this year.

67. The self-sustainment capability of units in Darfur continues to be a challenge. In a positive development, most of the Rwandese equipment is now at its intended location in Darfur or in transit (32 armoured personnel carriers have reached that destination, with an additional 28 having arrived at Port Sudan on 8 March 2010).

68. During the reporting period, the personnel strength of the UNAMID police component rose from 2,766 to 2,865; it currently stands at 76 per cent of the mandated strength of 3,772. Individual police officers are strategically deployed to 13 operational team sites (out of the 16 planned) and 47 operational community policing centres. The Operation's absorption capacity, security and availability of accommodation have affected the deployment of individual police officers to the mission.

69. With regard to formed police units, 13 out of 19, or 68 per cent, have been deployed. The total formed police unit personnel strength stands at 1,812, or 68 per cent of the authorized strength of 2,660. With regard to the six formed police units yet to be deployed, Senegal, Uganda and Burkina Faso, supported by Friends of UNAMID (Canada, the Netherlands and the United States) have confirmed delivery of most of the donor equipment, and the units are expected to deploy in the coming months. Negotiations with Togo on a memorandum of understanding have been successfully concluded. Additionally, Friends of UNAMID (the United States and Germany) have confirmed support for a formed police unit from Mali, which will deploy along with the third Nigerian unit before the end of the year.

70. As at 15 April 2010, the number of UNAMID civilian personnel stood at 4,094 (1,123 international staff, 2,552 national staff and 419 United Nations Volunteers). This represented 74 per cent of the approved strength of 5,546. The mission continues to face difficulties in recruiting and retaining suitably qualified staff, owing to the harsh living conditions and the unpredictable security situation in Darfur. Since January 2008, 188 potential candidates have declined offers of appointment.

71. Between 1 February and 1 April 2010, the Government of the Sudan issued 145 new entry visas to UNAMID personnel. As at 1 April, 61 visa applications for UNAMID staff and Headquarters delegations were still pending.

72. As of April 2010, UNAMID had surveyed 21 team sites and identified 41 potential water-well drilling sites. Thus far, eight boreholes have been drilled. Commercial contracts for the drilling of 12 boreholes have been signed, and drilling will commence in April 2010. A contract for the surveying of 23 additional locations and the development of 46 additional boreholes has been awarded to a local contractor. The procurement process for drilling at all locations is ongoing. Through the quick-impact projects support mechanism, 23 water projects worth more than $330,000 have been approved and are being implemented.

73. The implementation of UNAMID quick-impact projects continued during the reporting period, with the approval of 172 new projects, in the areas of education (96), health (13), water (22), sanitation (11), community development (14), women's empowerment (7), shelter (7) and conflict resolution (2). This brought to 434 the total number of UNAMID quick-impact projects for the period 2008-2010. Of these, 72 are physically and administratively completed, pending financial closure. The involvement of UNAMID military and police personnel in project identification, monitoring and assessment has significantly improved implementation, especially in areas that have a military or police presence and are difficult for civilian staff to gain access to.

VII. Financial aspects

74. The General Assembly, by its resolution 63/258 B of 30 June 2009, appropriated the amount of $1,598.9 million for the maintenance of the Operation for the period from 1 July 2009 to 30 June 2010. As at 31 March 2010, unpaid assessed contributions to the special account for the Operation amounted to $230.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,725.7 million. Reimbursements to troop- and police- contributing Governments for troop and formed police costs, and for contingent-owned equipment, have been made for the periods up to 28 February 2010 and 25 March 2010, respectively.

VIII. Observations

75. There were some positive developments in Darfur during the reporting period, including progress in the negotiations in Doha, improvement in the relations between Chad and the Sudan and an elections process that took place largely without violence. In that context, the increasing deployment and operational capabilities of UNAMID, especially in remote areas, have helped to improve the safety and security of the Darfuri population, including through expanded patrolling, community policing and improved collaboration with Sudanese authorities. Nonetheless, there remain serious challenges to the achievement of a lasting peace in the region, including the ongoing reports of violence in many areas of Darfur, the lack of participation by key stakeholders in the political process and the failure of the electoral process to include large groups of Darfurians.

76. Ongoing reports of clashes between Government forces and SLA-Abdul Wahid are a source of serious concern, placing at risk the lives of civilians and causing significant displacements. I am also very concerned at the intercommunal violence in Darfur, which resulted in the highest number of casualties during any reporting period since the inception of UNAMID.

77. The continued denial of access to UNAMID by the various parties — particularly to areas in which clashes have reportedly occurred, such as Jebel Marra — significantly constrains the mission's ability to implement its mandate to protect civilians in imminent danger. In addition, deliberate attacks on UNAMID and the threatening posture of some commanders on the ground often impede UNAMID patrols to vulnerable areas, particularly those under the control of non-signatories to the 2006 Darfur Peace Agreement.

78. I strongly condemn the abduction of four UNAMID police advisers on 11 April 2010, and I urge all parties in Darfur to ensure the safety and security of all United Nations and associated personnel. The primary responsibility in this regard lies with the host Government, and UNAMID will continue to work with the Government of the Sudan to ensure the safety and security of United Nations and associated personnel.

79. I am encouraged at the fact that the conduct of the elections in Darfur saw no major incidents of violence. The election of leaders by the people of Darfur is an important stage in the process of ending the marginalization of the region. However, it is important to recall that the census and constituency delimitation processes were strongly contested in Darfur. Substantial segments of the population, including those in rebel-held areas and many camps for internally displaced persons, were not included in the voter registration exercise, as a result of insecurity, boycotts and alleged flaws in the process. It therefore remains vital that the Government of the Sudan find mechanisms for including the views of these people in national decision-making processes, including through the ongoing discussions aimed at a comprehensive peace agreement.

80. In that regard, I am encouraged that the reporting period saw progress in the normalization of Chad-Sudan relations, which in turn facilitated progress in the negotiations under way in Doha. The participation of the Presidents of the Sudan, Chad and Eritrea and the Emir of Qatar at the signing ceremony for the Framework Agreement between the Government of the Sudan and JEM, held in February in Doha, was an important indicator of the fact that high-level political engagement has been and will continue to be required if progress is to continue. Much work remains to be done, however, to ensure that these agreements are implemented and lead to a final and comprehensive peace agreement, and to ensure that the peace process is inclusive and represents the interests of the people of Darfur.

81. In that connection, I have taken note of the pledge of the ruling National Congress Party that, if it wins the April elections, it will continue the negotiations in Doha between the armed movements and the Government of the Sudan. I also stress that, in order to be sustainable and effective, the final peace agreement for the resolution of the Darfur conflict must be comprehensive and inclusive of all Darfurian stakeholders, including civil society. If the next round of negotiations is to be conclusive, all sides must demonstrate significant flexibility and political vision.

82. The continued refusal by Abdul Wahid to join the Doha process and negotiate with the Government of the Sudan, coupled with his movement's refusal to allow UNAMID and humanitarian agencies to gain access to areas under its control, constitute serious impediments to the peace process in Darfur. Once again, I call on Abdul Wahid to engage in negotiations under the auspices of the Joint Chief Mediator and to facilitate the efforts of the international community to end the suffering of the Darfurian populations. In that regard, I welcome the latest efforts of both Joint Chief Mediator Djibrill Bassolé and Joint Special Representative Ibrahim Gambari in trying to convince Abdul Wahid to change his attitude, adopt a positive posture and join the peace process in the interest of his people, and I urge those Member States with influence over him to encourage him to join the talks in Doha.

83. I welcome the steps taken by the Governments of the Sudan and Chad to restore diplomatic relations and the deployment of the joint border monitoring force, which could bring about a significant improvement in the security situation in the

west and north-west of Darfur. Indeed, those positive developments account largely for the latest progress made in the peace process, and I wish to commend the role being played by Chad in that regard. Meanwhile, I urge the Government of the Sudan, in collaboration with the Chadian authorities, to take appropriate steps to address the insecurity created by the redeployment of Chadian armed opposition groups away from the border areas.

84. The proliferation of firearms among communities in Darfur remains a serious issue. If not addressed, it will continue to pose a threat to the stability of Darfur. Localized conflicts, such as the dispute between the Misseriya and Nawaiba during the reporting period, will not be easily contained and will result in an unnecessary loss of life and a displacement of civilian populations. It is disheartening to note that, during the month of March 2010 alone, 182 civilians were killed as a result of such clashes. In this regard, the authority of traditional conflict resolution mechanisms should be strengthened. For its part, UNAMID has, since its inception, been working closely with local institutions to support their efforts to maintain peaceful coexistence among communities. Those efforts are being strengthened through greater cooperation among local traditional leaders, local State authorities, the affected communities and UNAMID.

85. I am encouraged by the progress that UNAMID has made towards full deployment in Darfur. At the same time, continuing shortfalls in terms of the self-sustainment of military and formed police units remain a challenge to the operational capability of the mission. I thank troop- and police-contributing countries for their commitment to UNAMID, and I urge all contributing countries to ensure that the necessary arrangements are made for the deployment of the equipment and capabilities required by the Mission.

86. I welcome the agreements made by the leadership of SLA-Free Will, JEM-Peace Wing and SLA-Abu Gasim to enter into action plans to cease recruitment and release to the United Nations all children associated with their groups. At the same time, I call upon other armed groups and Government forces to engage with UNAMID in its efforts to develop, as soon as possible, time-bound action plans in line with Security Council resolutions 1539 (2004) and 1612 (2005).

87. The humanitarian operation in Darfur has been successful in stabilizing the situation the situation in the food security, health, nutrition and water sectors. The humanitarian operation needs to continue, as the overall situation remains fragile, and I call on donors to continue their generous contributions to humanitarian aid. At the same time, there is a need to work with communities and Sudanese authorities to find durable solutions, and not only for the displaced populations. Efforts need to be intensified to help the growing urban centres in Darfur to manage future challenges in terms of the environment and basic services. I welcome the commitment of donors, demonstrated during the conference held in Cairo on 21 March 2010, to invest in early recovery programming in Darfur, alongside the continuing humanitarian assistance, in support of the lead role played by the Government of the Sudan in this matter.

88. While continued international efforts to improve the humanitarian situation in Darfur will be indispensable, the ultimate responsibility for the well-being, safety and security of the people of Darfur rests with the Government of the Sudan. It will be critical that Sudanese authorities at the national and local levels continue to invest in health, education, water, sanitation and other basic infrastructure

throughout Darfur. If the April 2010 elections are to be a meaningful part of the democratic transformation of the Sudan, those elected to office must genuinely represent their constituencies in Darfur. At the same time, it will be important that the Government of the Sudan find a way to take into account the voices of those who did not have an opportunity to participate in the elections. Outstanding issues, such as access to land, compensation and reconciliation, must be resolved through inclusive decision-making processes. UNAMID stands ready to facilitate such efforts, working closely with Government counterparts and international partners.

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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1909 (2010), by which the Council, following the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN) until 15 May 2010. UNMIN was established as a special political mission in 2007 with a mandate that includes the monitoring of the management of arms and armed personnel of the Nepal Army and the Communist Party of Nepal (Maoist) (CPN-M), which is now the Unified Communist Party of Nepal-Maoist (UCPN-M).

2. This report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my last report to the Security Council of 7 January 2010 (S/2010/17).

II. Progress of the peace process

3. The significant achievements of Nepal's peace process, notably the Comprehensive Peace Agreement of 2006, and the election of the Constituent Assembly in 2008, are documented in my previous reports to the Council. Some progress was also made during the reporting period, such as the recent discharge of Maoist army personnel disqualified by the 2007 UNMIN-led verification process and the establishment on 8 January of the high-level political mechanism, the forum for senior political leaders to address key peace process issues. However, despite continuing efforts, no substantive forward movement has been made on the main outstanding tasks of the peace process, namely resolving the future of the two armies and completing the drafting of the constitution by the deadline of 28 May 2010.

4. The high-level political mechanism was initiated and coordinated by the late Nepali Congress leader and four-time Prime Minister, Girija Prasad Koirala, one of the main architects of the peace process. Mr. Koirala's death on 20 March 2010 was widely mourned by the Nepalese people and the international community as a major loss for the country and its peace process. His passing may have injected a renewed sense of shared responsibility among the other political leaders, who have subsequently continued to convene the high-level political mechanism, and jointly

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issued a public statement committing the parties to make efforts towards promulgating the constitution by 28 May in order to take the peace process to its conclusion. The major Madheshi parties have yet to be included in the high-level political mechanism, underscoring their sense of political exclusion.

5. Informally, the main political parties acknowledge that the new constitution is highly unlikely to be completed by the deadline stipulated in the Interim Constitution. Major differences have yet to be resolved on core elements such as the future form of government and the country's federal structure.

6. The prospect of a serious political-constitutional crisis as a result of failure to promulgate the constitution by 28 May has raised concerns among many Nepalis that it could open possibilities for forces opposed to the Comprehensive Peace Agreement and its stated aims to pose new challenges to the peace process. Calls for a return to constitutional monarchy and the 1990 Constitution have been made in recent weeks. In a rare interview, the former King, Gyanendra Shah, stated that the history of the monarchy in Nepal had not come to an end. His remarks were strongly criticized by the President, the Prime Minister and the major political parties, who accused the former King of seeking to resurrect the monarchy. President Yadav has reportedly assured political party leaders that, in the event of the new constitution not being promulgated on time, he would act within the limits of the Constitution and would not take unilateral action. Consensus appears to be emerging for the Constituent Assembly to be extended by at least six months in order to complete its work. The parties are conscious of the urgent need to reach a new consensus on the above-mentioned key points of contention to accompany such an extension.

7. The constitution-making process has become politically entwined with the issue of the establishment of a unity government as well as integration and rehabilitation of Maoist army personnel, which the Interim Constitution had envisaged would be completed within six months of the formation of a new government following the 2008 Constituent Assembly election. While there is broad consensus on the need for a national unity government, there are serious differences on who should lead it. UCPN-M has long called for such a change. This now has the support of many UML parliamentary party members. UCPN-M has made the change of government a precondition for supporting critical pending peace process issues. For their part, the Nepali Congress and UML have insisted that the Maoist army personnel should be integrated and rehabilitated prior to the promulgation of a new constitution and that UCPN-M first renounce the violent activities of the Young Communist League (YCL). They have also demanded that UCPN-M return all government and private property, amid allegations of fresh land seizures during the reporting period. UCPN-M has called for simultaneous progress on the integration and the rehabilitation of Maoist army personnel, on the one hand, and constitution-drafting, on the other.

8. The Special Committee tasked to supervise, integrate and rehabilitate Maoist army personnel has not reached agreement on a proposed action plan, and has referred some of the unresolved issues to the high-level political mechanism. The most contentious issues remain the number of Maoist army personnel to be integrated into the security forces, in particular the Nepal Army, and the modalities for such integration. Meanwhile, the Committee to address the democratization of the Nepal Army, as required by the Interim Constitution, led by the Minister of Defence, has made little, if any, headway in its work.

9. A fresh Army recruitment drive was announced in February, when the Chief of Army Staff reaffirmed the intention of the Ministry of Defence to resume recruitment. In early April, the Ministry of Defence reportedly endorsed the vacancy announcements. UNMIN has once again conveyed its consistent position that any such recruitment, even against vacant posts, would constitute a breach of the Comprehensive Peace Agreement and the Agreement on the Monitoring of the Management of Arms and Armies.

10. Under-Secretary-General for Political Affairs B. Lynn Pascoe visited Nepal from 10 to 12 March and met with the Prime Minister, senior Government officials, political and military leaders. He conveyed the strong support of the international community for Nepal's peace process, as well as its serious concern over the lack of progress and the failure of the parties to implement long-overdue commitments. He underlined, in his private and public messages, the urgent need for the parties to break the current political deadlock and to overcome their outstanding differences through a more concerted effort at dialogue and compromise. He also discussed the challenges for UNMIN, which continues to operate under what is now an inadequately narrow mandate, designed several years ago for the main purpose of supporting the Constitutional Assembly election. He conveyed the concern of Security Council members about the repeated extension of the mandate of UNMIN without tangible progress.

11. In line with paragraph 3 of Security Council resolution 1909 (2010), UNMIN has held consultations with the major political parties and the Government regarding possible arrangements for its withdrawal and transfer to the Government of its residual monitoring responsibilities. In the context of these extensive discussions, senior party representatives and Government officials underlined the need for UNMIN to continue its presence and to support the peace process at this critical phase, especially should the 28 May deadline for the completion of the constitution be extended. They have indicated their desire to see UNMIN being more proactive in carrying out its mandate and have expressed their readiness to work closely with the Mission. Among the priorities proposed during these consultations were the enhancement of the UNMIN arms monitoring function and support to the Special Committee in assuming its constitutional responsibility for supervision of the Maoist army cantonments and in the planning and the implementation of the integration of the Maoist army personnel. UNMIN was also urged to assist by facilitating the resolution of impediments to progress as appropriate.

A. Drafting of the constitution

12. In the constitution-drafting process, consensus has been reached on only 3 of 11 thematic papers, and these have been submitted to the Constitutional Committee charged with compiling the full draft of the constitution. With the Constitutional Committee having been unable to meet the 5 March deadline for completing the first draft, the Constituent Assembly's schedule was revised for the tenth time in an attempt to maintain the deadline for promulgation. In early April, the Constituent Assembly Chairman stated that the necessary procedures for promulgating a new constitution could not be completed within the remaining time.

13. Several parties hold strong views on the future federal structure. The Nepali Congress and the Nepal Workers and Peasants Party have protested the delineation

of future federal provinces as proposed by the Constitutional Assembly Committee on State Restructuring and Distribution of State Power. The major Madheshi parties and ethnic groups have also opposed the model, which envisages a division of the Terai region into three separate federal units, claiming that this contradicts what they perceive as their historically demarcated areas. The high-level political mechanism has agreed in principle to set up a cabinet-level State restructuring commission to review the future delineation of federal provinces and to facilitate the work of the Constituent Assembly Committee on State Restructuring and Distribution of State Power. However, its establishment is being hampered by ongoing political differences among the main parties.

14. Views expressed by UCPN-M or its members on important constitutional issues have continued to cause concern about the Maoists' commitment to multi-party democracy. For example, its proposal that under the new State model the Chief Justice and judges of the Supreme Court should be appointed by the Federal Legislature Special Judicial Committee is seen by its critics as being intended to undermine the independence of the judiciary. UCPN-M, for its part, believes that there is little enthusiasm among some in the traditional mainstream parties to pursue the fundamental political, social and economic changes called for in the Comprehensive Peace Agreement.

B. Integration and rehabilitation of Maoist army personnel

15. In January, Prime Minister Madhav Nepal submitted to the Special Committee a 112-day action plan for the integration and rehabilitation of Maoist army personnel, which at the time of writing had yet to be approved. Since discussions in the Special Committee revealed significant points of disagreement among the parties, the Committee requested the high-level political mechanism to take a political decision on the number of Maoist army personnel to be integrated into the security forces, and on the modalities for their integration. No consensus has been reached in the high-level political mechanism, and the Prime Minister tasked the Technical Committee to formulate an expedited action plan for integration and rehabilitation. Discussions have remained inconclusive to date.

16. The Special Committee was also unable to agree on the establishment of a supervisory mechanism and code of conduct for the Maoist army, which were originally proposed by the Technical Committee in September 2009. The Special Committee has agreed in principle on the establishment of a secretariat as a supervisory and oversight body to implement, once agreed, the action plan for the integration and rehabilitation of Maoist army personnel, but the secretariat has yet to be constituted. The Special Committee has asked the Technical Committee to submit proposals on rehabilitation packages for Maoist army personnel who would not be integrated into the security services. Discussions on this issue are still ongoing in the Technical Committee.

17. UCPN-M Chairman Prachanda visited the Shaktikhor cantonment site in Chitwan district in March and addressed Maoist army personnel on political issues relating to the peace process, an action that was condemned by the Nepali Congress and UML as a breach of the Special Committee's code of conduct. Political activity by verified Maoist army personnel is inconsistent with the cantonments coming

under the supervision of the Special Committee. The Nepali Congress and UML claimed that the speech was part of UCPN-M's preparation to "capture state power".

C. Discharge of disqualified Maoist army personnel

18. As agreed in an action plan signed on 16 December 2009, the discharge of Maoist army personnel disqualified in 2007 as minors and late recruits began on 6 January and concluded as scheduled on 8 February 2010. The closing cantonment discharge ceremony in main cantonment site 5, Rolpa, was attended by UCPN-M Chairman Prachanda, members of the diplomatic community, including representatives of the permanent members of the Security Council, the United Nations Resident and Humanitarian Coordinator and members of the United Nations country team, as well as my Representative in Nepal. Of the 4,008 disqualified personnel, 2,394 took part in the discharge process from the seven main cantonment sites. On 23 March, UCPN-M signed a declaration formalizing the discharge of the 1,614 minors and late recruits who were not present in the cantonments during this process.

19. A United Nations monitoring mechanism, led by the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and financed by the United Nations Peace Fund for Nepal, has been established to monitor and verify compliance by UCPN-M with its commitments under the action plan, including non-re-recruitment, ensuring that minors can freely and independently determine their areas of return or resettlement and, if they so wish, avail themselves of rehabilitation support. Full and sustained adherence by UCPN-M to its obligations in this respect is necessary for the party to be de-listed from the annual report of the Secretary-General on children in armed conflict as a party to conflict recruiting and using children as soldiers.

D. Other challenges affecting the peace process

20. The security situation in the Terai region, where numerous armed groups have continued to operate largely with impunity, has become increasingly precarious, with 62 killings reported between January and March 2010. In January, the Assistant Chief District Officer of the Parsa district was attacked and his bodyguard killed. Responsibility for the attack was reportedly claimed by an armed group.

21. The sometimes violent activities of political party-affiliated youth groups have also remained a source of concern throughout the reporting period. Since January, there has been repeated violence, some of which resulted in deaths, between the UCPN-M-affiliated YCL and other parties, including affiliated youth wings.

22. A general perception exists among many Nepalis that the ongoing political stalemate, coupled with a mixed record of bringing perpetrators to justice, has resulted in increased criminal activities. Leading editors and publishers were subjected to intimidation during the reporting period. In February, a media network owner was gunned down in broad daylight in a popular commercial district of Kathmandu and one month later another high profile media entrepreneur was assassinated in the Janakpur district of the Terai region.

III. Activities of the United Nations Mission in Nepal

A. Arms monitoring

23. The Arms Monitoring Office continued to monitor compliance by the Nepal Army and the Maoist army with the Agreement on the Monitoring of the Management of Arms and Armies. Arms monitors continued round-the-clock surveillance at the Nepal Army weapons storage site in Kathmandu and the weapons storage areas in the seven main cantonment sites of the Maoist army. Regular visits to satellite cantonment sites continued to be undertaken. Other operations were conducted by mobile teams operating from the Arms Monitoring Office headquarters in Kathmandu. At the request of the Ministry of Peace and Reconstruction, arms monitors observed salary payments to Maoist army personnel at the cantonment sites.

24. During the reporting period, the Government of Nepal formally asked UNMIN to provide detailed personal information, including names, addresses and photographs, of verified Maoist army personnel and of disqualified dischargees. While cognizant of the Government's responsibility to ensure that salary payments to Maoist army personnel are made in accordance with its requirements, UNMIN is bound to act consistently with the Agreement on the Monitoring of the Management of Arms and Armies, which stipulates that UNMIN treat such information with appropriate confidentiality. In view of the Government concern about the integrity of its salary payment arrangements for Maoist army personnel, UNMIN convened a meeting of the Joint Monitoring Coordination Committee to discuss the request for information, and facilitated a discussion between the Ministry of Peace and Reconstruction and the Maoist army over the payment modalities for Maoist army personnel.

25. Government officials have also publicly questioned the number of Maoist army personnel in the cantonments, alleging that absence from the cantonments exceeds the authorized limit of 12 per cent. Since October 2009, UNMIN has pressed the Nepal Army and the Maoist army to provide updated figures on their personnel, as specified by the Agreement on the Monitoring of the Management of Arms and Armies. These numbers have been provided to the Joint Monitoring Coordination Committee.

B. Child protection

26. The Child Protection Unit supported the planning for the discharge and rehabilitation of the Maoist army personnel disqualified as minors, and provided advisory support to the United Nations team during the discharge process. It also supported the work of the Nepal task force implementing the monitoring and reporting mechanism established in line with Security Council resolution 1612 (2005), which is co-chaired by UNICEF and OHCHR-Nepal.

C. Political affairs

27. The Political Affairs Office has continued to monitor, analyse and report on the overall political situation and to assist Mission leadership in supporting the peace

process. Political affairs officers maintained regular contacts with a broad range of Government officials, political party representatives, civil society organizations and international actors. The activities of groups opposed to the peace process, their potential to disrupt progress, dynamics among the political parties and the role of traditionally marginalized groups were monitored. The Office followed the proceedings of the Constituent Assembly and the work of its committees in preparing the new constitution. It also led in coordinating United Nations activities with regard to the discharge and the rehabilitation of Maoist army personnel disqualified by the UNMIN-led verification process.

D. Public information

28. The Public Information and Translation Unit continued its work to disseminate media products related to the work of UNMIN. The Unit disseminated UNMIN positions and responses to issues widely debated in the media, including the Government request that UNMIN provide it with personal data on Maoist army personnel. The Unit also provided support to the visit of Under-Secretary-General Pascoe, documented the discharge of disqualified Maoist army personnel and worked closely with the United Nations country team in other media-related matters.

E. Safety and security

29. The security situation of the Mission and its personnel was generally stable during the reporting period. Improvised explosive devices that were reported to have been placed at some government institutions and political party meeting venues were defused and cleared by the local security forces. On 27 January 2010, the Government ordered heightened security at Tribhuvan International Airport in Kathmandu following warnings that Al-Qaida-linked militants were plotting to hijack planes in South Asia. There were no direct threats made against UNMIN or its staff or property during the reporting period.

F. Mission support

30. The mission support component continued to give priority to the work in the seven main Maoist army cantonment sites. The uninterrupted presence of arms monitors in the cantonments and their mobile patrolling require wide deployment of personnel as well as communications and air transport resources.

G. Staffing

31. As at 12 April 2010, 254 of the authorized 278 personnel were serving in the Mission. Out of 189 civilian personnel, 31.7 per cent were women. Of the 54 substantive staff, 40.7 per cent are women, while 27.4 per cent of 135 administrative staff are women. Currently, 5 of the 71 Arms Monitors serving with the Mission are women. Gender representation in this area is dependent on the nomination of candidates by Member States. As a result of UNMIN efforts to recruit national staff

from traditionally marginalized groups, 38.4 per cent of the 125 national staff are from traditionally marginalized groups, and 37.5 per cent are women.

IV. Human rights

32. There has been no substantial progress in addressing impunity and increasing accountability for human rights violations committed during or after the conflict. The Nepal Army has yet to produce before the police the officer accused in the case of torture and killing of a 15-year-old girl, Maina Sunuwar, since his repatriation from the United Nations Mission in the Central African Republic and Chad in December 2009, despite the issuance of an arrest warrant by a district civilian court in January 2008, a formal request by the Nepal Police and calls by the National Human Rights Commission. The leadership of UCPN-M has likewise failed to cooperate with criminal investigations into the involvement of its cadres in serious human rights abuses during and after the conflict, despite assurances to the contrary. The absence of progress in tackling impunity in Nepal was again highlighted by the High Commissioner for Human Rights in her annual report to the Human Rights Council in March 2010 as a major impediment to the successful completion of the peace process.

33. After consultations with human rights organizations, including OHCHR-Nepal, the Government made substantial changes to the draft bill establishing a framework for a truth and reconciliation commission and registered it with the Legislature-Parliament in February. It now awaits consideration by the Legislature-Parliament.

34. On 10 March 2010, three females, including a 12-year-old girl, were shot and killed inside the Bardia National Park by Nepal Army personnel. The Army claimed that the victims were poachers carrying weapons and conducted a court of inquiry that concluded that its personnel acted in self-defence. National human rights institutions, including the National Human Rights Commission, have investigated the case and found that the victims were shot in the back, which appears to contradict the claim of self-defence. The National Human Rights Commission concluded that there was no evidence to suggest that the victims were poachers, and that the Army had "tampered with the evidence" and had used excessive force in dealing with the victims. Under the National Parks and Wildlife Conservation Act, 1973, the relevant national legislation, security forces are authorized to use lethal force even in a situation where there is no immediate threat to life, such as escape attempts. These provisions are incompatible with Nepal's international obligations, including the International Covenant on Civil and Political Rights.

35. The work of the National Dalit Commission was reactivated in January with the nomination of the Chairperson and members of the Commission by the Cabinet. The position of Chairperson had been vacant since June 2009. Discussions regarding a law to govern the National Human Rights Commission were initiated at different levels, with stakeholders advocating for the law to be consistent with the Paris Principles in order to reinforce credibility, transparency, impartiality and independence of the Commission, which can effectively fulfil its constitutional mandate to promote and protect human rights.

36. The current mandate of OHCHR-Nepal expires on 9 June 2010. OHCHR-Nepal has proposed a two-year extension and discussions with the Government are ongoing.

V. United Nations country team coordination

37. During the reporting period, work began on preparing a peace and development strategy for Nepal that seeks to identify how Nepal's development partners can best support the gains of the peace process over the coming three years. This exercise is led by the Resident Coordinator in coordination with UNMIN and the country team. The strategy is being prepared jointly with the international financial institutions and bilateral donors, in consultation with the Government and local partners. It will focus on the longer-term commitments and aspirations of the Comprehensive Peace Agreement, drawing at the same time on relevant development practices as they relate to peacebuilding support.

38. The United Nations Peacebuilding Fund, through the United Nations Peace Fund for Nepal, provided funding to support all stages of the process of discharging the disqualified Maoist army personnel verified as minors and late recruits. UNICEF, UNDP, the United Nations Population Fund and the International Labour Organization have launched a rehabilitation programme for up to 4,000 dischargees consisting of counselling and reintegration packages, including options for education, vocational training, micro/small enterprise development and health services training. To date, some 838 of those discharged have enquired about support through the United Nations toll-free number, and 547 have so far been referred to service providers to begin training programmes. The Governments of Norway and the United Kingdom of Great Britain and Northern Ireland provided an additional $8.5 million to the United Nations Peace Fund for Nepal in late 2009 to support this phase of the discharge and rehabilitation process.

39. Under the aegis of the United Nations global Rule of Law Coordination and Resource Group, a country pilot was launched in Nepal in March. This group brings together OHCHR-Nepal, the United Nations Office on Drugs and Crime, the United Nations Development Programme, UNICEF, UNMIN and the United Nations Development Fund for Women. It aims to develop a comprehensive, coherent and coordinated strategy for United Nations support to the rule of law. The initiative is backstopped by an inter-agency team at the headquarters level. A mapping of existing rule of law activities in Nepal is currently under way to inform this process.

40. The United Nations Mine Action Team continued its support to the Government's efforts to meet its commitment under the Comprehensive Peace Agreement to clear all remaining minefields in Nepal. By 19 March, 26 of the 53 minefields had been cleared by the Nepal Army clearance teams with technical support from the Team, and the remaining half are scheduled to be cleared by the end of 2011. A total of 52,617 improvised explosive devices and other dangerous items have been destroyed by the Team since these demolitions began in 2007. In February, the Team supported an intergovernmental working group led by the Ministry of Peace and Reconstruction to draft a three-year national mine action strategy for Nepal outlining objectives in the areas of coordination, clearance, risk education, victim assistance and advocacy through 2012.

41. The United Nations country team continued its support to the constitution-making process through the reporting period. Assistance included technical support to informal caucuses of members of the Constituent Assembly (women, indigenous peoples, Dalits) and furthering dialogue between and among community organizations on constitutional issues. Individual agencies provided targeted advice within the parameters of their mandates, such as the analysis of the United Nations High Commissioner for Refugees of the proposed citizenship provisions from a perspective of applicable international standards. Over 40,000 visitors from the Constituent Assembly, civil society and the general public have visited the UNDP-supported Centre for Constitutional Dialogue. The Centre has to date organized 350 workshops and seminars on issues around the constitution-building process.

42. Nearly half of Nepal's districts are experiencing food shortages, and an estimated 2.5 million people face extreme food insecurity, mainly in the mid- and far-western hill and mountain regions. Rural households in Nepal are particularly vulnerable with more than an estimated 70 per cent of household budgets being allocated to the purchase of food, while dependence on subsistence agriculture remains high. To address these vulnerabilities, the 2010 Nepal Humanitarian Transition Appeal was launched on 10 March. It seeks $123.5 million to provide life-saving assistance and reduce the vulnerability of more than 3.4 million people across the country. In light of the protracted winter drought, Nepal received $6 million from the United Nations Central Emergency Response Fund at the end of 2009, which allowed the World Food Programme to provide food to more than 302,000 people. Also during the reporting period, the Food and Agricultural Organization of the United Nations began implementation of a $10.6 million European Union Food Facility project to provide seeds and agriculture training to 106,000 of the most vulnerable households to improve their food security.

VI. Observations

43. Political parties in Nepal face an accumulation of unimplemented peace process commitments and a fast-approaching constitutional deadline, placing the process as a whole at a critical juncture. At the core of the stalemate rest disagreements over integration and rehabilitation, certain key aspects of a new constitution, and power-sharing. These appear to be compounded by mutual mistrust, insufficient political will and weak mechanisms for the implementation of past agreements.

44. Other challenges to the fragile peace process include continuing disaffection among traditionally marginalized groups, the heightened visibility of the opposition to some agreed tenets including federalism, republicanism and secularism, and the widespread threats of fresh confrontation. Only adherence to existing commitments and a negotiated political settlement will offer a satisfactory outcome for the future of the country. I call on the political party leaders to redouble their efforts in this regard.

45. In January, the Government of Nepal sought the extension of the mandate of UNMIN, recognizing its important role in providing support and facilitation to Nepal's nationally driven peace process. The Government underlined that the work of the Special Committee related to the integration and the rehabilitation of the former Maoist combatants would be completed before 28 May, the deadline for the

new constitution. On that basis, an extension of the mandate of UNMIN until 15 May 2010 was requested, and was accepted by the Council.

46. The deadline was regarded by many observers as too ambitious. At the time, major critical aspects of the action plan on integration and rehabilitation had not been agreed, and to a significant extent this remains the case today. Outstanding issues of disagreement include the number of Maoist army personnel to be integrated into the security forces, in particular the Nepal Army, the modalities for integration, and the options that can be offered to those to be rehabilitated into civilian life. As described earlier, intensive discussions are continuing on these issues as well as on the key constitutional issues and power-sharing.

47. My Representative continues to convey the strong desire of the Council and the United Nations to see the parties move forward in the implementation of the agreements they have reached, with the aim of adopting a new constitution and ensuring long-term peace, stability and prosperity. At the same time, the United Nations recognizes that a positive resolution of the various complex aspects of the peace process requires patience and sustained effort. The Council has called on the parties to take full advantage of the expertise and readiness of UNMIN to support the peace process to facilitate the completion of outstanding aspects of its mandate. The Mission seeks an exit that follows the resolution of the future of the former Maoist army personnel.

48. Throughout 2009, UNMIN encouraged the parties to consider measures that would give the Mission an exit strategy, and to accompany any extension request with a realistic and time-bound roadmap for progress. Following the adoption of Security Council resolution 1909 (2010), UNMIN resumed discussions with the political leaders, followed by two lengthy consultations in March and April dedicated to reviewing options for the handover of the mandated role of UNMIN.

49. These frank, closed-door "review meetings" took place among senior leaders of the three main political parties. While not representing official party or government positions, the feedback from these senior leaders, following consultations with their party leaderships, indicated a clear desire to see UNMIN play a more effective role consistent with the current needs of the peace process. As mentioned in paragraph 11 of the present report, a number of specific areas for greater support from UNMIN have been put forward. These are important functions that UNMIN can and should usefully fulfil within its existing mandate.

50. In January, the Government informed the Security Council that the goal of a peaceful and stable Nepal required an enhanced level of support, understanding and encouragement from the international community. It remains my intention to see UNMIN successfully complete its work at the earliest. It is regrettable that it has not been possible to reflect in this report the official position of the Government of Nepal and the parties as regards the possible extension of the mandate of UNMIN as no formal communication had been received on the matter at the time of writing. Should the Government of Nepal, in consultation with the parties, request an extension of the mandate of UNMIN, I would recommend that the Security Council respond positively. I expect that such a request would include clear indications as to the areas in which UNMIN should strengthen its support in order to both expedite progress in the peace process and to enable the Mission to complete its mandated tasks.

51. It would be my earnest appeal to the Government and parties to resolve without delay the remaining political impediments and to take concrete steps towards the fulfilment of commitments on the basis of clear benchmarks and timelines and through a structured process of consultation and dialogue. They should continuously review the implementation of their commitments in all areas. I also wish to underline the critical importance of developing and systematically implementing a thorough, realistic and well-prepared plan for the integration and the rehabilitation of the former Maoist army personnel, with which UNMIN stands ready to assist.

52. I would like to convey my appreciation to the members of the Security Council and other Member States for their continued support to Nepal and to the work of the United Nations in support of the peace process, and to thank my Representative, Karin Landgren, her staff and partner organizations in Nepal for their dedicated efforts.

United Nations S/2010/215

Security Council

Distr.: General
29 April 2010

Original: English

United States of America: draft resolution

The Security Council,

Recalling all its resolutions and presidential statements concerning the situation in the Sudan,

Reaffirming its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, which reaffirms, inter alia, the relevant provisions of the United Nations World Summit outcome document, 1612 (2005) and 1882 (2009) on children in armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009) on women, peace, and security,

Taking note of the report of the Secretary-General on the United Nations Mission in the Sudan dated 5 April 2010 (S/2010/168), and *recalling* the report on Children and Armed Conflict in Sudan dated 10 February 2009 (S/2009/84), including his recommendations, and *taking note* of the report on Children and Armed Conflict in the Sudan (S/2007/520) dated 29 August 2007, and recalling the conclusions endorsed by the Security Council Working Group on Children and Armed Conflict in the Sudan, S/AC.51/2009/5,

Reaffirming its commitment to the sovereignty, unity, independence, and territorial integrity of the Sudan and to the cause of peace, stability, and security throughout the region,

Stressing the importance of the full implementation of the Comprehensive Peace Agreement (CPA) of 9 January 2005, including, in particular, the importance of pursuing further efforts to make unity attractive and respecting the right to self-determination of the people of South Sudan to be exercised through a referendum to determine their future status,

Emphasizing the need for the United Nations and the international community to support consolidation of mutual trust between the two parties,

Taking note of the nationwide elections conducted in April, as elections are a component of CPA implementation, and commending the people in Sudan who are working toward democracy,

Recognizing that regardless of the results of the referendum, both parties to the CPA will need to continue to discuss critical issues in a peaceful and constructive manner and that the United Nations, African Union and other regional organizations can play an important role in supporting and promoting this dialogue,

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Commending the work of the United Nations Mission in Sudan (UNMIS) and the continuing commitment by troop and police contributing countries in support of the CPA and this mission,

Commending the work of the African Union in Sudan, in particular the African Union High Level Implementation Panel for Sudan and the role that it has played in focusing attention on the interrelatedness of conflicts in Sudan and assisting the Sudanese parties to comprehensively address these issues, along with the Intergovernmental Authority on Development (IGAD) and other regional actors,

Commending the continuing work of the Assessment and Evaluation Commission (AEC),

Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in Sudan and the region, *deploring* their effects on the civilian population, in particular on women and children, and *calling* for compliance by all parties with their obligations under international humanitarian and human rights law,

Stressing the ongoing importance of providing humanitarian and development assistance to the civilian populations throughout Sudan, *encouraging* comprehensive preparedness efforts by the United Nations in view of the upcoming referendum including the need for increased humanitarian and development assistance in the south for the remainder of the CPA implementation period as well as post-CPA and the need for continued cooperation among the CPA parties, the United Nations and humanitarian organizations and *urging* donors to support implementation of the CPA and to honour all pledges of financial and material support,

Acknowledging that the CPA has reached a critical stage, and *stressing* the need to complete all remaining implementation tasks under the CPA,

Welcoming increased and continuing cooperation among UNMIS and all other United Nations missions in the region, and *stressing* the importance of continued sharing of information among them to help counter regional threats such as the activities of militias and armed groups, including but not limited to such groups as the Lord's Resistance Army (LRA),

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

1. *Decides* to extend the mandate of UNMIS until 30 April 2011, with the intention to renew it for further periods as may be required;

2. *Requests* the Secretary-General to continue reporting to the Council every three months on UNMIS mandate implementation, CPA implementation progress, and respect for the ceasefire;

3. *Additionally requests* the Secretary General to provide in his quarterly reports information including (1) a detailed plan of measures UNMIS is taking to support the referenda and popular consultation processes, consistent with paragraph 7 below, including lessons learned from the 2010 elections (2) the status of United Nations engagement with the parties to the CPA and the parties' progress concerning the critical tasks that will need to be accomplished post-referendum and, as appropriate, information on (3) UNMIS' planning in consultation with the parties concerning the United Nations presence in Sudan post Interim period;

4. *Deplores* the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and *underscores* the importance of UNMIS making full use of its authority and capabilities, as stated in paragraph 16 of resolution 1590 (2005), to take necessary action to provide improved security to the civilian population, humanitarian and development actors, and United Nations personnel under imminent threat of violence, and stresses that this mandate includes the protection of refugees, displaced persons, returnees, and other civilians with regard to the activities of militias and armed groups, including but not limited to such groups as the LRA, as recognized in resolution 1663 (2006);

5. *Reiterates* its call on UNMIS to coordinate strategies with other United Nations missions in the region for information on the protection of civilians in light of the attacks by the LRA and requests the Secretary General to include in his UNMIS quarterly reports, information on cooperation between United Nations missions in dealing with the threats of the LRA;

6. *Calls upon* UNMIS to implement a mission-wide civilian protection strategy, comprehensively throughout the mission area, including the implementation of tribal conflict resolution mechanisms, and *urges* UNMIS to enhance its presence in areas at high risk of localized conflict, including by conducting frequent patrols;

7. *Recalls* the CPA's provision for referenda, as well as the parties' responsibility to pursue efforts to make unity attractive, *reaffirms* UNMIS' support for these activities, *requests* that UNMIS be prepared to play a lead role in international efforts to provide assistance, as requested, to support preparations for the referenda in 2011, including in consultation with those member states able and willing to provide support, an advisory role related to security arrangements for the referenda, and *urges* the international community to provide technical and material assistance, including referenda observation capacity, as requested by the relevant Sudanese authorities to support the referenda and popular consultations;

8. *Stresses* the importance of full, and expeditious implementation of all elements of the CPA, agreements on Darfur, and the October 2006 Eastern Sudan Peace Agreement, and *calls upon* all parties to respect and abide by their commitments to these agreements without delay;

9. *Requests* UNMIS, within its current mandate and capabilities, to continue to assist the parties, as requested, in the implementation of all elements of the CPA, including creation of, and appointments to, the referenda and popular consultation commissions, implementation of the decision of the Permanent Court of Arbitration in The Hague regarding Abyei, north-south border demarcation, and wealth sharing, security arrangements, and resolution of conflict in Southern Kordofan and Blue Nile states;

10. *Welcomes* continuing military capability reviews conducted into UNMIS' deployment, *stresses* the importance of appropriate and flexible deployment of UNMIS in order to deter and prevent violence in areas where civilians are under threat of violence, and *requests* regular reviews of UNMIS deployment to ensure that the mission is best placed to support the implementation of the CPA and protect civilians under imminent threat of violence;

11. *Welcomes* the CPA parties' sustained commitment to work together and *urges* their continued cooperation in carrying out their responsibilities in further

implementing the CPA and *calls upon* the CPA parties to cooperate fully with all the United Nations operations in the implementation of their mandates;

12. *Reiterates* its concern over the restrictions and impediments placed on UNMIS personnel and materiel, and the adverse impact such restrictions and impediments have on UNMIS' ability to perform its mandate effectively and in that regard *calls for* all parties to cooperate by providing full and unrestricted access to UNMIS in monitoring and verification within its area of responsibility with special emphasis on monitoring of the Abyei region, and *urges* UNMIS, consistent with its mandate and within its means and capabilities, to consult with the parties, and to deploy sufficient personnel to the Abyei region to improve conflict prevention efforts and security to the civilian population;

13. *Expresses* its concern for the health and welfare of the civilian populations in Sudan; *calls upon* the parties to the CPA and the communiqué signed between the United Nations and the GNU in Khartoum on 28 March 2007 to support and protect all humanitarian personnel and facilitate all humanitarian operations in the Sudan; and *urges* the Government of Sudan to continue working with the United Nations to ensure continuity of humanitarian assistance throughout Sudan;

14. *Notes* that conflict in one area of Sudan affects conflict in other areas of the country, and therefore *urges* UNMIS, consistent with its current mandate, to cooperate closely with all United Nations entities operating in the region, including the AU-UN Joint Mediation Support Team and other stakeholders, so that implementation of these bodies' mandates supports the overall objective of peace in Sudan and the region;

15. *Recognizes* the detrimental impact of the proliferation of arms, in particular small arms, on the security of civilians by fuelling armed conflict, *encourages* UNMIS to continue its efforts in providing assistance to the Government of South Sudan with regard to the civilian disarmament process, in particular by strengthening the capacity of local authorities to deter inter-communal conflicts and by monitoring forced civilian disarmament initiatives in an effort to avert disarmament operations that could exacerbate insecurity in Southern Sudan;

16. *Requests* UNMIS, acting within its current mandate and within its current means and capabilities, to continue to provide technical and logistical support to the Technical ad hoc Border Committee, as requested, to help the parties urgently conclude the process of demarcation of the 1956 North/South border, in accordance with the CPA;

17. *Encourages* UNMIS, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the CPA in promoting the rule of law, restructuring the police and corrections services throughout Sudan, particularly in the south due to lack of development of the police services, and assisting in the training of civilian police and corrections officers;

18. *Encourages* UNMIS to work closely with the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) to reinvigorate the disarmament, demobilization, and reintegration (DDR) process and to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of DDR under the CPA; and to ensure the timely provisions of sustainable reintegration programmes, which will help to promote continued and enhanced funding support from donors for the reintegration phase, and to coordinate

with local authorities and with the United Nations agencies programmes and funds, initiatives that strengthen DDR with the creation of economic opportunities for reintegrated individuals and *further urges* donors to respond to calls for assistance to the DDR process, in particular the reintegration phase, and *calls on* donors to honour all obligations and pledges of assistance, and *takes note* in this context of the need to also assist the victims in conflict-affected communities;

19. *Welcomes* the adoption of an action plan by the SPLA to release all children still associated with its forces by the end of 2010 and in order to achieve this goal, *calls for* a timely implementation of this action plan, *requests* UNMIS, consistent with its mandate and in coordination with the relevant parties and with particular emphasis on the protection, release and reintegration with their families of children recruited to and participating with armed forces and armed groups, to increase its support for the National DDR Coordination Council and the Northern and Southern DDR Commissions and to monitor the reintegration process;

20. *Welcomes* the continuing organized return of internally displaced persons and refugees to the Three Areas and Southern Sudan, and *requests* UNMIS, within its current mandate, capabilities and areas of deployment, to coordinate with United Nations and other partners to facilitate sustainable returns, including by helping to establish and maintain the necessary security conditions;

21. *Stresses* the critical role of the AEC in overseeing and monitoring implementation of the CPA; and *urges* all parties to cooperate fully with the AEC and implement its recommendations;

22. *Stresses* the importance of achievable and realistic targets against which the progress of UNMIS can be measured; in this regard, *requests* the Secretary-General to report on and assess the progress in meeting benchmarks in each quarterly report, as well as any consequent recommendations regarding UNMIS' configuration;

23. *Encourages* the periodical update and review of the UNMIS' concept of operations and rules of engagement, fully in line with the provisions of the UNMIS mandate under relevant Security Council resolutions, and *requests* the Secretary-General to report on progress against the concepts and rules to the Security Council and Troop Contributing Countries in each quarterly report, and to provide the Security Council in the same report specific updates on the security situation in the mission's area of responsibility;

24. *Requests* the Secretary-General to continue the necessary measures to ensure full compliance by UNMIS with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council fully informed, and *urges* troop-contributing countries to take appropriate preventive action including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

25. *Decides* to remain actively seized of this matter.

United Nations S/2010/216

Security Council

Distr.: General
30 April 2010

Original: English

France, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling and reaffirming all its previous resolutions on Western Sahara,

Reaffirming its strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolutions 1754 (2007), 1783 (2007), 1813 (2008), and 1871 (2009),

Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to cooperate more fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution,

Taking note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcoming serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

Inviting in this context the parties to demonstrate further political will towards a solution,

Taking note of the four rounds of negotiations held under the auspices of the Secretary-General, and two rounds of informal talks held in Dürnstein (Austria) and Westchester County (United States) and *welcoming* the progress made by the parties to enter into direct negotiations,

Stressing the importance of making progress on the human dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue and humanitarian confidence-building measures, and *noting* the need for all parties to adhere to their obligations, taking into account the roles and responsibilities of the United Nations system and the relevant paragraphs of the United Nations Secretary-General's report,

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Welcoming in this context the agreement of the parties expressed in the Communiqué of the Personal Envoy of the Secretary-General for Western Sahara of 18 March 2008 and looking forward to the inauguration of family visits by land, and the resumption of the existing programme by air, and encouraging the parties to cooperate with the United Nations High Commissioner for Refugees in implementing their agreement,

Welcoming the commitment of the parties to continue the process of negotiations through the United Nations-sponsored talks,

Recognizing that the consolidation of the status quo is not acceptable in the long term, and *noting further* that progress in the negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,

Affirming support for the Secretary-General's Personal Envoy for Western Sahara Ambassador Christopher Ross, and his work in facilitating negotiations between the parties and also *welcoming* his recent visit to the region and ongoing consultations with the parties and neighbouring states,

Welcoming the appointment of the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Hany Abdel-Aziz,

Having considered the report of the Secretary-General of 06 April 2010 (S/2010/175),

1. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) with regard to the ceasefire and *calls* on the parties to adhere fully to those agreements;

2. *Welcomes* the parties' commitment to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and *recalls* its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;

3. *Calls* upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), and 1871 (2009), and the success of negotiations; and affirms its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context;

4. *Calls* upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;

5. *Invites* Member States to lend appropriate assistance to these talks;

6. *Requests* the Secretary-General to keep the Security Council informed on a regular basis on the status and progress of these negotiations under his auspices and express its intention to meet to receive and discuss his report;

7. *Requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

8. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family visits, as well as for other confidence-building measures that may be agreed upon between parties;

9. *Decides* to extend the existing mandate of MINURSO until 30 April 2011;

10. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

United Nations S/2010/217

Security Council

Distr.: General
29 April 2010

Original: English

Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad (MINURCAT)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1861 (2009) of 14 January 2009, by which the Council extended the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) until 15 March 2010 and resolution 1913 (2010) of 12 March 2010 by which the Council extended the mandate of MINURCAT until 15 May 2010. This report provides an update on developments related to the implementation of the mandate of MINURCAT since my last report dated 14 October 2009 (S/2009/535) and recommendations for the tasks and configuration of MINURCAT after the expiration of its present mandate on 15 May 2010.

II. Political and security developments

A. Relations between Chad and the Sudan

2. During the reporting period, relations between the Governments of Chad and the Sudan improved significantly. The Governments of Chad and the Sudan signed an agreement in N'Djamena on 15 January 2010, with the view to normalizing their bilateral relations. They agreed, inter alia, to deny rebel groups the use of their territories and to work towards their disarmament. In accordance with the agreement, they deployed a joint border force of 3,000 troops with a view to denying the cross-border movement of armed elements and stemming their criminal activities. The force operates under a joint command based for an initial period of six months in El Geneina, in Darfur, and then Abéché, in eastern Chad. The visit of President Idriss Déby Itno to Khartoum from 8 to 9 February — the first such visit since 2004 and the first meeting between the two Heads of State since March 2008 — was a major step in strengthening bilateral relations between the two countries. This visit was followed by the appointment, on 15 February, of a Chadian Ambassador to Khartoum. On 10 April, the border between the two countries reopened for the first time since 2003 at three points, and the cross-border trade has resumed.

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3. In accordance with the 15 January agreement, Chad and the Sudan have facilitated talks with their respective rebel groups. The Framework Agreement to Resolve the Conflict in Darfur, which was signed by the Government of the Sudan and the Justice and Equality Movement (JEM) on 23 February in Doha, was negotiated on 20 February 2010 in N'Djamena, under the auspices of President Idriss Déby Itno. President Déby also facilitated talks with JEM in March in N'Djamena. From 1 to 4 April, a Chadian delegation met representatives of the Union des forces de la résistance (UFR) and the Résistance nationale armée (RNA) in Khartoum, with the facilitation of the Government of the Sudan. Although the meeting was reportedly inconclusive, Government and the armed opposition groups have indicated that they remain committed to dialogue.

B. 13 August agreement

4. During the period under review, progress was made in implementing the 13 August agreement between the Government of Chad and political opposition. On 7 January 2010, the Independent National Electoral Commission published a timetable for the elections by which voter registration would take place between 21 March and 9 May 2010; parliamentary and local elections would be held on 28 November and 12 December 2010, respectively; and the first and second rounds of presidential elections would be held on 23 April and 12 June 2011.

C. Developments in north-eastern Central African Republic

5. During the period under review, the security situation in the MINURCAT area of operations in north-eastern Central African Republic remained unstable. On 22 and 23 December 2009, unidentified armed elements attacked Ouanda-Djalle and Sam Ouandja (200 km south of Birao), forcing residents to flee. MINURCAT deployed a military detachment to Sam Ouandja from 14 December 2009 to 23 January 2010 to deter violence against civilians and on 23 and 24 December relocated 14 humanitarian staff to Birao. On 16 March 2010, two international NGO workers, who had been kidnapped in Birao on 22 November 2009, were released in Darfur.

6. At least three Central African Republic militias continued to be present in and around the area of operations of MINURCAT: Union des forces démocratiques pour le Rassemblement (UFDR), the Union des Mouvements Démocratiques et Républicains (UMDR) and Convention des Patriotes pour la Justice et la Paix (CPJP); bandits from several neighbouring States were also still present. The Central African Republic security forces present in the area are extremely limited. The absence of State authority in north-eastern Central African Republic continued to raise concern about the use of the tri-border area as a safe haven for Central African and foreign armed groups.

D. Humanitarian situation

7. At least half a million people are still in need of humanitarian assistance in eastern Chad. Some 70 humanitarian organizations provide assistance to 249,242 Sudanese refugees residing in 12 camps located along the border with the Sudan,

over 62,019 Central African Republic refugees at 13 camps in Southern Chad, about 168,000 internally displaced persons (IDPs) located in 38 sites in eastern Chad, and around 150,000 people in host communities. In north-eastern Central African Republic, there are approximately 3,500 Sudanese refugees near Sam Ouandja in the MINURCAT area of operations.

8. Humanitarian actors continue to be concerned by the food insecurity and malnutrition in the country following a bad agricultural campaign that resulted in a 34 per cent decrease of agricultural production compared to last year. Furthermore, pockets of high malnutrition rates between 20 and 29 per cent of general acute malnutrition have been recorded in several parts of the country. An estimated 2 million people are at risk of food insecurity. Early this year the Central Emergency Relief Fund allocated over $3.8 million to humanitarian agencies in Chad. The World Food Programme has been providing nutrition and health services for 34,400 children under five, 19,500 pregnant and lactating women, and 3,500 caretakers of children admitted to therapeutic feeding centres. UNICEF-supported health and nutrition projects have been benefiting 10,800 severely malnourished children.

9. The consolidated appeal for Chad for 2010, seeking $458 million to support emergency relief activities while emphasizing measures to increase the self-sufficiency and capacities of people affected by the crisis, is currently 38 per cent funded. In March 2010, the Central Emergency Relief Fund allocated an additional $7 million to Chad for its underfunded humanitarian programmes, which target approximately 800,000 people.

III. Implementation of the mandate of MINURCAT

A. Deployment of the force

10. In establishing the military component of MINURCAT under resolution 1861 (2009), the Security Council mandated the Mission to help create security conditions conducive to the voluntary, secure and sustainable return of refugees and displaced persons, inter alia, by contributing to the protection of refugees, IDPs and civilians in danger, facilitating the provision of humanitarian assistance in eastern Chad and north-eastern Central African Republic and creating conditions favourable to the reconstruction and the economic and social development of those areas. The Council also endorsed the benchmarks provided in my report of 4 December 2008 (S/2008/760) towards the exit strategy of MINURCAT with the view to meeting them by March 2011.

11. The pace of the deployment of the MINURCAT force picked up during the reporting period and its activities on the ground increased. During the period, the main bodies of the Ghanaian and Nepalese infantry battalions were deployed to the area of operations, as well as Cambodian and Sri Lankan movement control contingents, a Sri Lankan aero-medical team, a Bangladeshi aviation unit and the advanced party of a Mongolian infantry battalion. The force carried out 1,570 escorts, 56 convoys, 8,780 short-range patrols, 1,762 long-range patrols and 258 helicopter operations, which is a 320 per cent increase in convoys and escorts, 202 per cent increase in patrols and 310 per cent increase in helicopter patrols compared to the last reporting period. Since January 2010, the force had been averaging 250 escorts for humanitarian assistance per month.

12. Following the request of the Government of Chad, transmitted in a note verbale dated 15 January 2010, that the United Nations commence "negotiations" to determine the modalities for a withdrawal of MINURCAT, all new deployment actions were put on hold. In that connection, the deployment of the remaining 535 troops of the Mongolian contingent was halted and their contingent-owned equipment is currently securely stored in the port of Tianjin in China; 300 Namibian troops were not deployed to the southern sector and their contingent-owned equipment is currently being held at the port of Douala in Cameroon. The deployment of 100 troops of a Paraguayan airfield engineer contingent, 50 troops of a Senegalese signals unit and 245 troops of a Pakistani transport company with contingent-owned equipment has also been put on hold.

13. As at 22 April 2010, the total strength, both infantry and enabling troops, of the MINURCAT force stood at 3,442, which is 66.2 per cent of the mandated strength of 5,200 troops. The strength was expected to reach 4,850, or 93 per cent of the authorized strength, by 15 May 2010.

14. By 15 March 2010, all MINURCAT operational bases had been established and, on average, 75 per cent of infantry troops had been deployed to the sectors, with 44 per cent in Sector North, 100 per cent in Sector Centre, 71 per cent in Sector South, and nearly full deployment in Birao.

15. The MINURCAT force has undertaken high visibility patrolling, both by day and night, across the entire area of operations to deter criminal and armed activities, including areas surrounding IDPs and refugee camps and main supply routes; the provision of escorts to humanitarian agencies and United Nations personnel; and convoys and security support for humanitarian activities. Maintaining readiness to undertake the extraction and the evacuation of humanitarian workers and United Nations personnel also remains a fundamental task. The escorts and convoys have been used mainly for United Nations agencies, whereas area security, through patrolling, has benefited the civilian population, United Nations agencies and NGOs, particularly those that, as a matter of principle and policy, chose to operate without security escorts. The provision of area security has been key for humanitarian actors in launching early recovery activities in areas of return for the IDPs.

B. Support to the Détachement intégré de sécurité

16. During the period under review, Mamadou Mountaga Diallo (Guinea) replaced Major-General Gerardo Chaumont (Argentina) as Police Commissioner, effective 28 December 2009. As at 22 April, 223 out of 300 authorized police officers were deployed to provide training, mentoring and monitoring for the Détachement intégré de sécurité (DIS).

17. On 5 February, 127 new recruits graduated from a two-month predeployment training course and joined DIS, whose strength stood at 813 as at 25 April. To date, 1,014 Chadian police and gendarmes have been trained by MINURCAT for DIS. Some 201 personnel have left DIS since its establishment owing to resignation (149), dismissal on disciplinary grounds (45), deployment to United Nations peacekeeping operations (8) or death (7). While there had been several cases of serious misconduct by DIS officers, including the unauthorized use of firearms, the number of dismissals on such grounds decreased during the reporting period.

18. From November 2009 to 21 March 2010, DIS conducted 5,194 day and night patrols around refugee camps, and in key towns that serve as bases for humanitarian activities. Refugee leaders reported that DIS patrols have contributed to an increased sense of security in the camps and have facilitated freedom of movement. During the same period, DIS conducted 2,095 security escorts, primarily for humanitarian actors. Meanwhile, in March and April 2010, the Government of Chad issued additional automatic weapons to DIS to enhance its deterrence capacity during escorts.

19. During the reporting period, DIS registered 466 complaints, of which 134 were sexual and gender-based violence-related, including 15 rapes. DIS also registered 43 cases of armed robbery and 7 incidents of infiltration of armed individuals, whether rebels or Chadian army personnel, into refugee camps. In response, during the reporting period, DIS arrested 366 individuals suspected of involvement in crime, of whom 185 were referred to the judicial authorities while the remainder were released following customary law settlements. DIS also recovered 15 out of the 20 hijacked vehicles and established security checkpoints in the vicinity of the camps where uniformed personnel visiting refugee camps are required to leave their weapons and ammunition.

20. In an effort to integrate DIS with local administration structures and encourage coordination, in January and February 2010 MINURCAT issued 20 VHF/HF radios to local Chadian authorities in each key town in eastern Chad. A single radio channel has been programmed to facilitate communication. MINURCAT plans provide for similar radio communications arrangements to be extended to all DIS locations. In January, the Mission launched free emergency call centres in 15 of the 19 DIS locations to provide the local population, refugees and IDPs easy access to DIS and other security forces. During the reporting period, MINURCAT also provided 94 vehicles to DIS, equipped with communications equipment, that were purchased through the United Nations trust fund that supports DIS.

21. During the reporting period, progress was made in increasing gender sensitivity within DIS and Chadian police authorities in general. In November 2010, the Chadian national police recruited 250 women officers, out of 4,903 candidates who applied for the posts, with support from MINURCAT. Their recruitment will increase the representation of women within the Chadian national police from 4 to 9 per cent. The Chadian authorities have also requested support to recruit 200 women for the national gendarmerie. Within DIS, the representation of women stands at 11 per cent.

22. To date, the United Nations trust fund that supports DIS received $24.7 million against the 2008-2009 requirements of $25.5 million. For 2010, the resource requirements for the support of DIS, justice and prisons activities in eastern Chad amount to $21.7 million. The European Union, and the Governments of France, Germany, Japan, Luxembourg, Norway and the United States have made generous pledges totalling $17.9 million, essentially for support to DIS, of which $6.8 million has been received to date.

C. Justice

23. The main challenges to the establishment of an efficient judicial sector in eastern Chad remain the security conditions for magistrates, the lack of basic infrastructure for courts and tribunals, the inadequacy of financial and human

resources allocated to the justice sector, the inadequacy or absence of training of judicial personnel, the ineffectiveness of disciplinary oversight mechanisms, the interference of administrative and security authorities in judicial matters, the absence of defence counsel and the prevalence of customary law mechanisms for dispensing justice, including on criminal matters. MINURCAT has assisted the Government to address these issues in accordance with national priorities contained in the Programme de Réforme de la Justice (PROREJ). In so doing, MINURCAT is working in coordination with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the European Union-supported national justice programme Programme d'Appui à la Justice (PRAJUST).

24. During the reporting period, the Court of First Instance was opened in Iriba, with MINURCAT support for the Court's administration. The training of 150 *sous-préfets* and *agents sous-préfectoraux* as Justices of Peace, started in December 2009 and is expected to be completed in May 2010. UNDP, PRAJUST and MINURCAT are assisting with the training of an additional 50 DIS, the national gendarmerie and national police investigating officers in criminal law, rules and procedures and enforcement from 21 April to 21 May in Abéché.

25. The Maison des avocats of Abéché opened in February, with three lawyers continuously available as defence counsel in criminal and civil cases. A legal clinic with two paralegal staff will provide legal information and advice to vulnerable persons, with a special focus on refugees, IDPs, women and children. The Chadian Bar Association, national NGOs, UNDP, UNHCR and MINURCAT have supported this initiative. Additional funding will be necessary to open further legal clinics in eastern Chad and to ensure sustainability of these programmes.

D. Corrections

26. During the reporting period, MINURCAT continued to provide daily on-the-job training and mentoring to Chadian prison officials, in accordance with international standards. In this context, from 16 to 21 November 2009, 39 heads of prisons were trained in prison management techniques and training modules have been made available to the Chadian Ministry of Justice for use in future training.

27. The rehabilitation of the Abéché prison is expected to be completed by May 2010. Four quick-impact projects have been approved to refurbish the Iriba prison and improve the living conditions of female inmates. In addition, in December 2009, MINURCAT finalized a project proposal for the construction of a prison in Goz Beida, which is to be implemented subject to the availability of funding. MINURCAT also completed in January 2010 a technical assessment of the Adré prison, with a view to preparing a project proposal for its rehabilitation.

28. With the support of local NGOs, the Government has introduced skills training in the Abéché prison. In February, the Chadian Department of Basic Education commenced basic literacy classes in Arabic and French for staff and inmates at the Adré prison.

29. Progress notwithstanding, there continue to be major challenges to the implementation of prison reforms, including shortages of food and water, weak prison infrastructure, inadequate numbers of prison guards, and ineffective prison

management. The escape of 100 inmates from the Abéché prison on 15 April reflects the challenges in prison management.

E. Human rights

30. Sexual and gender-based violence remains one of the main human rights challenges in eastern Chad, representing 55 per cent of all documented incidents, with cases of rape, early and forced marriages, and female genital mutilation regularly reported. Most victims of sexual and gender-based violence are children. Perpetrators range from armed men, including from the Chadian National Army, to members of the victims' own communities. Girls, sometimes as young as 4 years old, have been victims of physical assaults in refugee camps and IDP sites, as well as in neighbouring villages.

31. During the reporting period, MINURCAT conducted 18 awareness-raising programmes for traditional and refugee leaders, women's groups, civil society and law enforcement officials. The overall level of reporting of sexual and gender-based violence incidents has increased. The number of incidents reported to DIS has risen from an average of five cases per month in 2009 to an average of 17 cases per month in the first quarter of 2010.

32. During the reporting period, authorities in eastern Chad reviewed 26 cases of prolonged pretrial detention and ill treatment, including 8 involving minors. Although detention conditions in eastern Chad have remained generally poor, and some detainees have been subjected to torture and ill treatment, Chadian law enforcement agents have been receptive to human rights training, in particular with regard to arrest and detention.

33. From 9 to 11 March 2010, the Ministry of Human Rights and the Promotion of Liberties organized a national forum on human rights in N'Djamena, with the support of MINURCAT. The Government of Chad submitted, for the first time in a decade, reports to the Committee against Torture, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

F. Child protection

34. During the reporting period, MINURCAT documented the case of two minors aged 16 who deserted from the Chadian National Army in Tiné and presented themselves to DIS in the Touloum refugee camp on 6 November. The Mission was informed that the boys were refugees from the Ouré Cassoni refugee camp who had allegedly been recruited into the Chadian National Army in June 2009. Between January and February, the Mission corroborated the cases of six children, who, after deserting from JEM, returned to the Iridimi refugee camp. Details collected during the investigation confirmed that the minors, all males, were among eight children between 13 and 16 years who were recruited between 2007 and 2008 by JEM. In the Am Nabak refugee camp, the Mission documented the case of a 17-year-old minor who was reported to have joined JEM on 7 January 2010 and taken back to the camp by his mother shortly thereafter.

35. The Government of Chad has shown a consistent and clear commitment to fight the recruitment and use of children in armed conflict and to prevent violence against women. The Government has organized verification and sensitization visits to Chadian military camps and sites throughout the country.

36. The First Lady, Hinda Déby Itno, sponsored a national campaign to prevent violence against women and girls between 1 and 8 March 2010. MINURCAT, in coordination with UNFPA and the United Nations Children's Fund (UNICEF), is working with the Government to develop a national strategy and action plan with a view to ending violations against children.

G. Gender

37. During the reporting period, MINURCAT continued to support the Government in its efforts and initiatives to raise awareness about ending violence against women and children in the region, and to improve living conditions for women inmates in the Abéché prison. The Government of Chad launched, on 17 October 2009, a national sensitization campaign on the theme "Unite to End Violence against Women", with the support of the Mission. The campaign ran through December 2009.

38. In December 2009, MINURCAT trained 150 DIS personnel on gender issues. In March 2010, 26 DIS officers were trained in Abéché as gender focal points to enhance the capacity of DIS to respond adequately and provide protection to women and children in the refugee camps.

H. Civil affairs

39. During the reporting period, MINURCAT intensified its efforts to promote inter-community dialogue to defuse tensions in eastern Chad and to facilitate IDP returns. The Mission has worked in close cooperation with Chadian administrative and traditional authorities to revitalize sustainable local conflict resolution mechanisms. In the Dar Sila region, following tensions related to competition over scarce resources, the Mission arranged two separate reconciliation ceremonies, on 5 November 2009 between the Goz Amir refugees, IDPs in Aradib, and host communities in Koukou Angarana, and on 14 November 2009, between Dadjo, Arab and Ouaddaian communities in the return villages of Tiero and Marena.

40. In Guéréda, MINURCAT facilitated and provided substantial logistical support to a Government-organized workshop on peaceful coexistence from 19 to 21 January. The Minister of Interior and Public Security, together with traditional and administrative local authorities, attended the event, which produced recommendations and resolutions for peaceful coexistence. In the Ouaddaï region, the Mission supported local authorities in resolving disputes through the creation of local reconciliation commissions in Farchana, Galdawalga, Kawa and Miata and intensified its efforts to support follow-up mechanisms set up by local authorities to monitor the implementation of agreements reached between communities.

41. With the aim of supporting voluntary returns of IDPs, MINURCAT supported local authorities in Farchana in creating a local vigilance committee to improve security in the area. In support of local authorities, the Mission handed over a new

building to the *sous-préfecture/Coordination nationale d'appui à la force internationale à l'est du Tchad* (CONAFIT) in Farchana on 15 October 2009, and equipped the offices of Kobé prefecture in January 2010.

42. Inter-community dialogue, functioning local conflict-resolution mechanisms, strong administrative authorities and the creation of a secure environment remain necessary prerequisites for the voluntary return of IDPs. MINURCAT support in these substantive areas has yielded initial positive results, but they remain fragile and reversible. In order to sustain these efforts and capitalize on the momentum gained, MINURCAT intends to intensify its support to local authorities and implementing partners, through quick-impact projects and by creating effective follow-up mechanisms for inter-community dialogue events.

I. HIV/AIDS

43. During the reporting period, MINURCAT continued to mainstream HIV/AIDS awareness throughout the Mission activities, including training for all MINURCAT and DIS personnel. The Mission also supported Government and civil society initiatives with regard to HIV/AIDS and coordinated its work with NGOs and UNAIDS efforts to combat HIV/AIDS and prevent mother-to-child transmission. In December 2009, the Mission carried out HIV/AIDS awareness campaigns in IDP sites in Goz Beida and at secondary schools in Abéché. In March, the Mission rehabilitated a youth centre in Hadjer-Hadid to support youth initiatives to combat HIV/AIDS transmission among the population. It also provided and facilitated free access to voluntary HIV/AIDS confidential counselling and testing services for Mission personnel and the host population (1,953 tests).

J. Mine action

44. MINURCAT implements its mine action activities through MineTech International, in coordination with the Chadian National Demining Centre and the Regional Demining Centre, and in close collaboration with UNDP, the International Committee of the Red Cross (ICRC) and other United Nations agencies, funds and programmes involved in mine action in Chad.

45. During the reporting period, MINURCAT cleared 3,233,554 square metres of ground, verified 1,708 kilometres of roads, visited 362 communities and cleared 220 dangerous areas. Lack of resources and security restrictions have been the main constraints to the movement of the clearance teams, particularly to the Salamat region and north-eastern Central African Republic, which are believed to be contaminated with highly explosive remnants of war.

46. MINURCAT has developed a mine risk education project proposal for the period 2010-2011, which is currently under consideration by prospective donors. In January, the Mission set up a reporting system, related to explosive remnants of war, by which local communities are informed through local radio broadcasts, flyers and posters of the hazards associated with explosive remnants of war and ways of reporting their presence to the Mission.

IV. Mission support

47. During the reporting period, MINURCAT completed the installation of prefabricated accommodations for troops in Farchana and Abéché in December 2009 and January 2010, respectively, thus bringing MINURCAT operational and deployment capacity in these locations to full scale. In Goz Beida, installation is still under way. In Bahaï, Koukou Angarana and Guéréda the construction of the infrastructure, including security berms, landscaping, and water and sanitation facilities, were completed in March 2010 so that the troops could be accommodated in tents. The procurement process for the construction of the Birao camp was completed in February 2010, but is currently on hold.

48. In accordance with the memorandum of understanding between the Mission and the Government of Chad of 13 February 2009, MINURCAT officially returned to the Government the airport aprons in Abéché (western apron) and N'Djamena, on 9 January and 18 January 2010, respectively. Pending clarity on the future of the mandate of the Mission, the procurement process for the construction of Mission-dedicated aprons was put on hold. In the interim, MINURCAT continues to use the Government-provided aprons.

49. The Mission also made considerable progress in surveying and mapping of the water resources in the East, together with United Nations country team, which resulted in the compilation of a map reflecting the availability of water sources in the Mission area of responsibility. MINURCAT has also assisted the government authorities in identifying and developing new water sources. During the reporting period, in Iriba, MINURCAT drilled wells some 120 meters below the ground surface that, once heavy duty pumps and pipes are installed, are estimated to provide sufficient water for the population of the city for decades to come.

V. Safety and security

50. During the reporting period, the security phase remained at phase IV in northern and eastern Chad and at phase III in N'Djamena and southern areas. In north-eastern Central African Republic, security phase IV also remains in effect in the Mission area of operations.

VI. Discussions on the future of MINURCAT

51. On 15 January 2010, the Government of Chad addressed to me a note verbale requesting the United Nations to commence "negotiations" to determine the modalities for a withdrawal of MINURCAT effective 15 March 2010. In their discussions with Secretariat representatives, the Chadian interlocutors expressed their Government's dissatisfaction with the slow deployment of the MINURCAT force. They stated that the security environment on the ground had improved and that the Chadian security forces would be able to provide the necessary security and protection for vulnerable groups and humanitarian workers. They also contended that most of the acts of banditry and criminality were attended to by DIS in coordination with other national security services. They finally expressed their Government's frustration over the slow implementation pace of infrastructure projects that had been part of the mandate of MINURCAT. Notwithstanding the

above, Chadian authorities at all levels expressed their appreciation for the work of the MINURCAT civilian component.

52. From 26 January to 23 April 2010, I dispatched to Chad three successive Secretariat missions. The first, led by my former Military Adviser, Major-General (retired) Patrick Cammaert, sought to engage the authorities on possible options regarding the future of MINURCAT and, in so doing, how best to address the perceived shortcomings of the military component, including measures to make it more effective. In their engagements, representatives of the Government reaffirmed its commitment to ensuring the security of civilians and humanitarian workers and reiterated their request that the MINURCAT military component withdraw.

53. The second mission, undertaken at the request of the Security Council, was led by Under-Secretary-General for Peacekeeping Operations Alain Le Roy to explore the ways forward. These discussions culminated with President Déby's consent to the Secretariat to transmit to the Security Council a proposal for a two-month technical extension of the mandate to allow for further discussions on the modalities for the gradual withdrawal of the MINURCAT military force (from 16 May to 31 December 2010) and the continuation of its civilian component. With regard to the latter, Government representatives indicated that consideration could be given to a limited United Nations military presence, whose task would be to guard the United Nations camps from which the MINURCAT civilian component would operate.

54. The formal consent of the Government of Chad to a two-month technical extension of the mandate of MINURCAT was conveyed to the Council on 11 March (see S/2010/129), and was followed by the Security Council's adoption of resolution 1913 (2010) approving such an extension.

55. The third Secretariat mission, led by Youssef Mahmoud (Tunisia), arrived in Chad on 23 March. As at 1 April, Mr. Mahmoud assumed the functions of my Acting Special Representative for MINURCAT, replacing Victor Da Silva Angelo (Portugal), who completed his assignment on 31 March 2010.

56. On the basis of the deliberations of the Security Council on the outcome of the first and second missions, my Acting Special Representative and his Chadian counterparts initiated several rounds of consultations that culminated on 23 April in an agreement on a number of proposals to be transmitted to the Security Council, should it decide to adopt a revised mandate for MINURCAT with effect on 16 May. These proposals are organized under the following headings and include my recommendations for a revised mandate, for consideration by the Security Council.

Protection of civilians by the Government of Chad starting 16 May

57. Effective 16 May 2010, the current mandate of MINURCAT for the protection of civilians will cease. Thereafter, the Government of Chad will exercise its sovereign responsibility to ensure the security and the protection of the civilian population in eastern Chad, including refugees, IDPs, returnees and host communities, with a particular focus on women and children, United Nations and humanitarian personnel and assets, in accordance with its obligations under international humanitarian, human rights and refugee law. In so doing, the Government undertook to carry out the following tasks, in conformity with the spirit and the letter of paragraph 7 of Security Council resolution 1861 (2009):

(a) To assume the security and protection of civilians in danger, particularly refugees and IDPs;

(b) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by improving security in eastern Chad;

(c) To ensure the security and freedom of movement of MINURCAT staff and United Nations and associated personnel.

58. The Government of Chad also took due note of what the responsibility for the protection of the civilians entails, under international humanitarian law, and undertook to work towards the achievement of the benchmarks, as outlined in paragraph 25 of Security Council resolution 1861 (2009):

(a) Voluntary return and resettlement in secure and sustainable conditions of a critical mass of IDPs;

(b) Demilitarization of refugee and IDP camps as evidenced by a decrease in arms, violence and human rights abuses;

(c) Improvement in the capacity of Chadian authorities in eastern Chad, including national law enforcement agencies, the judiciary and the prison system to provide the necessary security for refugees, IDPs, civilians and humanitarian workers with respect for international human rights standards.

59. Should the Security Council decide to authorize a revised mandate for MINURCAT, progress against the above-mentioned benchmarks will be assessed in July and October 2010 by a joint Government of Chad/United Nations working group. The Government and MINURCAT will also establish a forum to foster dialogue and collaboration with a view to reaching a common understanding of shared roles and responsibilities on issues relating to the protection of civilians, humanitarian access, and safety and security arrangements of humanitarian actors and in order to impact positively on humanitarian and early recovery initiatives. The forum will involve relevant authorities both at the ministerial level in N'Djamena and at the local level in eastern Chad.

60. The security tasks related to the protection of refugees, IDPs and humanitarian workers will be carried out by its police forces, primarily DIS. With the support of the MINURCAT police, DIS will continue to provide escorts for humanitarian convoys and community policing. Local level security coordination mechanisms that have been established by the Chadian Government and MINURCAT are to be further strengthened to ensure strong lines of communication with all security forces and local authorities, including the *Bureaux de la Protection et des Escortes*.

61. It is foreseen that DIS would be increased from its current strength of 850 to up to 1,000 elements, as resources are made available. The Government will ensure that gender balance within DIS continues to be taken into account during the recruitment and rotations. This is particularly important, given that women and children represent the majority of the refugee and IDP population.

Proposed revised MINURCAT mandate

62. Paragraphs 63 to 83 of the present report contain recommendations on the future mandate of MINURCAT, including for an initial six-month transition to full reliance by the United Nations on the provision by the Government of Chad for the

security of MINURCAT civilian and United Nations country team humanitarian workers, and the implementation of enhanced United Nations security phase IV procedures and working conditions, which all United Nations personnel will be obliged to follow without exception. A further extension may be needed to enable the Government of Chad and MINURCAT to consolidate the sustainability of DIS and the handover to the Government, with the support of other partners, of the work undertaken by the Mission in the judicial, penal, local level conflict resolution and human rights fields, as described below.

MINURCAT civilian concept and tasks

63. Should the Security Council so decide, under a revised mandate, MINURCAT will continue to perform the tasks outlined under paragraph 6 (c) to 6 (i) of Security Council resolution 1861 (2009) in the areas of rule of law, human rights and civil affairs, and mine action assistance to the Government in fulfilling its responsibilities for protection in eastern Chad. The guiding principles that will underpin all MINURCAT future activities will be their effectiveness and sustainability. Moreover, every effort will be made by the Mission and the United Nations country team and other international partners to conduct jointly in an integrated manner interventions that, in addition to their intrinsic value, present socio-economic recovery opportunities that benefit IDPs and host communities.

Civilian police component

64. The MINURCAT police component will continue to carry out the tasks outlined under paragraph 6 (a) and 6 (b) of resolution 1861 (2009). Specifically, the MINURCAT police will continue to train, mentor and support the efforts of the Government of Chad to achieve self-sustainability of DIS as a professional law enforcement entity.

65. A joint Government of Chad/United Nations working group will be established with the objective of reviewing the key tasks required to strengthen the capacity of DIS to provide security inside and around refugee and IDP camps, security escorts and area security, including by supporting DIS coordination with the gendarmerie, the nomad national guard, and the Chadian army which is responsible for border security and external threats. The working group will develop a plan for the progressive handover to the Government of the administrative, financial and logistical support to DIS. This working group will review, inter alia:

(a) Training of DIS personnel and its judicial police in investigative techniques and electronic tracking systems, as well as radio, security escorts, and international humanitarian law, starting in June 2010;

(b) Selection and training of 10 additional DIS trainers starting in June 2010;

(c) Possible training of DIS personnel in the provision of area security;

(d) Training in the maintenance of the DIS vehicle fleet, and further training of DIS personnel in driving skills; the recruitment of 50 drivers and 25 car mechanics starting in July 2010 within the authorized DIS strength;

(e) Possible deployment of DIS to new areas (e.g., Haraze and Daha);

(f) DIS organizational structure and coordination mechanisms with other local security forces, including by exploring technical and financial modalities for

setting up operation centres in governorates, prefectures and sous-prefectures, so that local authorities work directly with DIS in a sustainable manner;

(g) Progress made in DIS-related infrastructure projects listed in paragraph 71 below.

66. In the course of their discussions, MINURCAT and the Government of Chad have agreed to recommend that the number of DIS elements be increased from its current strength of 850 to as many as 1,000 within available resources, subject to the approval of the Security Council.

67. In pursuit of the objectives outlined in paragraph 65 above, the Government of Chad and the United Nations will revise, as necessary, the memorandum of understanding between the United Nations and the Government of Chad governing the operations of DIS.

68. In order to increase the pool of women candidates who can more easily integrate into DIS, MINURCAT will continue to support the Government of Chad in the recruitment and training of 200 women gendarmerie officers and the training of the 250 women who have already been recruited by the national police.

69. During the first six months of the transition phase, ideally, the MINURCAT police will be co-located with DIS, depending on the security situation at any given time and the requirements of an enhanced United Nations security phase IV regime.

70. Some 226 of the 300 MINURCAT police authorized are currently deployed. It is recommended that the current strength be maintained for the first six months of the revised mandate; thereafter recommendations will be made as to the exact requirements of the MINURCAT police component.

71. In order to consolidate the support structures necessary for the sustainability of DIS, it will be essential that MINURCAT provide the following support:

(a) Rehabilitation of the DIS Police School and building of dormitories in N'Djamena, starting in June 2010;

(b) Construction of six police stations and 13 DIS posts in eastern Chad, starting in August 2010;

(c) Digging of wells and installation of pumps in each of the 19 DIS locations in eastern Chad, starting in October 2010.

MINURCAT military component

72. Following the decision of the Government of Chad to assume full responsibility for the security and the protection of the civilian population, MINURCAT will reconfigure its military component to facilitate the civilian component of MINURCAT and the United Nations country team to transition to host country security mechanisms and enhanced United Nations security phase IV accommodations and security procedures. In so doing, the military component of MINURCAT will carry out the following mainly static tasks:

(a) Provision of security for MINURCAT personnel in their base locations, facilities, installations and equipment;

(b) Maintenance of situational awareness in the vicinity of MINURCAT locations;

(c) Provision of escort for United Nations military personnel carrying out enabling support functions;

(d) Provision of extraction support for United Nations and humanitarian personnel in extremis;

(e) Within capability, provision of medical evacuation support for United Nations personnel.

73. The military component will reduce its current military area of responsibility by excluding the present Sector North and the Salamat prefecture; however, it will undertake medical and in extremis evacuation throughout the entire Mission area of responsibility.

74. Practical modalities for the execution of the provision contained in paragraph 72 (d) above will be worked out with MINURCAT and the Government of Chad and its security forces, as well as humanitarian actors, to ensure the effectiveness of such an operation and common understanding of roles and responsibilities.

75. Given the reduction in MINURCAT military capabilities, the force would operate under Chapter VI of the Charter of the United Nations and modify its rules of engagement to support such operations, that is, the use of force in self-defence. The military component will be deployed in two primary locations, Farchana and Goz Beida, and will maintain forward headquarters and a logistics base in Abéché and a small rear headquarters in N'Djamena. MINURCAT will endeavour to reduce its military presence in Abéché to the extent possible, and as quickly as possible.

76. Subject to the decision of the Security Council, effective 16 May, the Mission military component will be reduced from its current 3,300 strength in Chad out of its authorized strength of 4,900 under resolution 1861 (2009) to 1,400 troops and 500 support elements. The number to be withdrawn will therefore be approximately 1,400 troops. MINURCAT, with the support of the Government of Chad, will ensure the withdrawal of these 1,400 troops by 15 July 2010. The remaining 1,900 troops will be in Chad until 15 October 2010, when they will cease all operations and commence their final withdrawal, subject to approval by the Security Council.

North-eastern Central African Republic

77. With regard to the MINURCAT presence in north-eastern Central African Republic, currently 300 troops are authorized to secure the airfield and provide limited patrolling and extraction capability. The President of the Central African Republic, François Bozizé, in a letter to me dated 15 February, requested that, should MINURCAT withdraw, the assets of the Mission in north-eastern Central African Republic be transferred to the Government. Subsequently, in his meeting with my Acting Special Representative, the President and the Prime Minister reiterated the above request and emphasized that the destabilizing capacity of armed groups exceeds the capacity of the national security forces. In this regard, President Bozizé sought assistance from the United Nations for the training and equipping of his security forces in north-eastern Central African Republic so that they may prevent incursions and secure that part of the border with Chad and the Sudan.

78. It is proposed that MINURCAT be authorized under a Chapter VI mandate in north-eastern Central African Republic with a troop strength of 300 (all ranks). This element will be responsible for securing the airport in Birao and providing for

limited extraction operations for humanitarian workers. Since the supply and the sustainment of these troops is dependent on the force presence in Chad, MINURCAT will cease its operations in north-eastern Central African Republic and will start withdrawing as the main force commences withdrawal from Chad in October 2010.

Further considerations

79. Should the mandate of MINURCAT be extended beyond 15 May 2010, additional infrastructure work would be undertaken to enable MINURCAT to support the Government of Chad to fulfil its protection mandate and mitigate the negative impact that its operations may have on the existing infrastructure and economy in eastern Chad. In addition to the direct support to DIS (see para. 71), this would also entail:

(a) Digging four additional wells and installing pumps in Biteha to benefit the city of Abéché, which will start in June 2010;

(b) Repair and maintenance of main roads leading to MINURCAT camps;

(c) Maintenance of airfields and runways used by MINURCAT in Farchana, Goz Beida, Bahaï, Iriba, Guéréda and Birao;

(d) Quick-impact projects to support related to the infrastructure component of the recovery of host communities, in coordination with the United Nations country team.

80. In addition to the above, the Government of Chad has requested that MINURCAT honour its earlier commitment to build an apron and terminal at the N'Djamena airport.

81. The Government of Chad and MINURCAT will meet in October 2010 to jointly review progress on infrastructure work mentioned in paragraphs 71 and 79 above. The Government of Chad will take all necessary measures to ensure that MINURCAT will obtain all required approvals to perform construction works without delay, and to grant unrestricted access to all areas of construction, for personnel and equipment of the United Nations and its contractors.

82. Should the mandate of MINURCAT be extended beyond 15 May 2010, the Mission will liaise with the Government of Chad and UNHCR in support of their efforts to relocate refugee camps that are in close proximity to the border, and to provide to UNHCR, on availability and cost-reimbursable bases, logistical assistance for that purpose.

83. In order to enable MINURCAT to fulfil its mandate in full, the Government of Chad reiterated to my Acting Special Representative its commitment to fully respect all provisions of the Status of Mission Agreement of 21 March 2008 and its amendment of 15 October 2009, and in particular to ensure full freedom of movement of MINURCAT, its members and its contractors, as well as of their vehicles and aircraft, and to grant exemptions from all taxes, fees, charges and other duties, as provided under the Agreement and its amendment, for the whole duration of the mandate of the Mission, but also until its liquidation and the final departure of all its military and civilian personnel from Chad.

VII. Financial aspects

84. The General Assembly, by its resolution 63/274 B of 30 June 2009, appropriated the amount of $690.8 million for the maintenance of MINURCAT for the period from 1 July 2009 to 30 June 2010.

85. Should the Security Council decide to extend the mandate of MINURCAT beyond 15 May 2010, it would be my intention to utilize resources already approved by the General Assembly for the Mission for the current financial period ending 30 June 2010, and to include resource requirements arising from the Council's decision in my proposed budget for MINURCAT for the 2010/11 period, to be submitted to the General Assembly during the main part of its sixty-fifth session.

86. As at 31 March 2010, unpaid assessed contributions to the Special Account for MINURCAT amounted to $28.7 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,725.7 million.

87. As at 31 March 2010, amounts owed to troop contributors to MINURCAT totalled $3.8 million. Reimbursement of troop- and contingent-owned equipment costs have been made for the period up to 28 February 2010 and 31 December 2009, respectively, in accordance with the quarterly payment schedule.

VIII. Observations and recommendations

88. The central point of contention between the United Nations and the Chadian authorities arose when the latter made it clear that they would, following the end of the mandate of MINURCAT on 15 May, bear the primary responsibility for the security and protection of civilians. And as a consequence, they saw no justification for the continuation of the military component of the Mission. In support of this decision, the Government cited the enhanced capacity of its security forces, the marked improvement of relations between Chad and the Sudan, the reaching out to their respective armed political movements, and the subsequent deployment of joint patrols along their common frontier, which enhanced security and allowed the reopening of the border at three points and the resumption of cross-border trade. In this regard, I wish to commend Presidents Déby and Al-Bashir for these positive developments, and I encourage them to persevere.

89. The robust posture of the Chadian forces along their eastern border with the Sudan and the clear public and private messages sent to provincial governors in eastern Chad on their responsibility for providing security to civilians, including refugees and IDPs, are encouraging.

90. Notwithstanding the views of the Government of Chad on the performance of the military component of MINURCAT, the period covered by this report clearly shows that, even with the current reduced number in the area of operation, the military men and women serving under the United Nations flag in eastern Chad and north-eastern Central African Republic have made in the past three months commendable contributions to the protection of civilians and the safety and security of humanitarian workers. I wish to record here my deep appreciation for their service.

91. Despite the differing evaluation of the work of the military component, there is unanimity of views regarding the positive support provided by the civilian component in eastern Chad. As the report shows, the performance of DIS has improved with the help of the MINURCAT police and other international partners. Notable advances have also been highlighted in the promotion of the rule of law, including human rights, particularly of women and children, in the reform of the judicial system, the fight against sexual and gender-based violence, and the enhancement of local governance structures, as well as in the area of social cohesion between the refugees, the displaced and the host communities. These achievements would not have been possible without the commitment of the Chadian authorities at all levels.

92. The proposed mandate, arising from the last round of discussions between the United Nations and the Government of Chad, aims at safeguarding the advances outlined in the report and ensuring their sustainability, while allowing for a gradual and phased withdrawal of the military component.

93. Should the Council decide to adopt a new mandate for MINURCAT, a phased approach will enable the Mission to gradually transit from a Chapter VII mandate to a Chapter VI mandate and allow for the enhanced United Nations staff security regime to be in place before MINURCAT troops commence their final withdrawal in October 2010. Another advantage of such an approach is that it will permit those humanitarian actors who currently benefit from the armed escort and patrols of the military component to gradually adjust their deployment and modus operandi. More importantly, it will allow the United Nations entities in Chad to organize themselves differently and integrate their activities to enhance their sustainability and impact.

94. Given the time required to effectively manage the above transitions and the fact that many of the projects proposed to support DIS will necessarily go beyond the end of 2010, I recommend that the Council approve a revised mandate for MINURCAT for one year. The review foreseen in October 2010 will inform my report to the Council at the end of the first six-month period.

95. In making the above proposal, I am mindful that Chad is situated in a region that, despite some recent positive developments, remains fragile. The continued instability in the north-eastern part of the Central African Republic bordering Chad and the Sudan is of particular concern. This accounts for the continuing presence, until further notice, of a MINURCAT contingent of 300 soldiers in that region near the town of Birao. As the Council debates the future of MINURCAT, it ought to examine also the future of that presence, taking into account the views of the Central African authorities, as expressed in the body of this report.

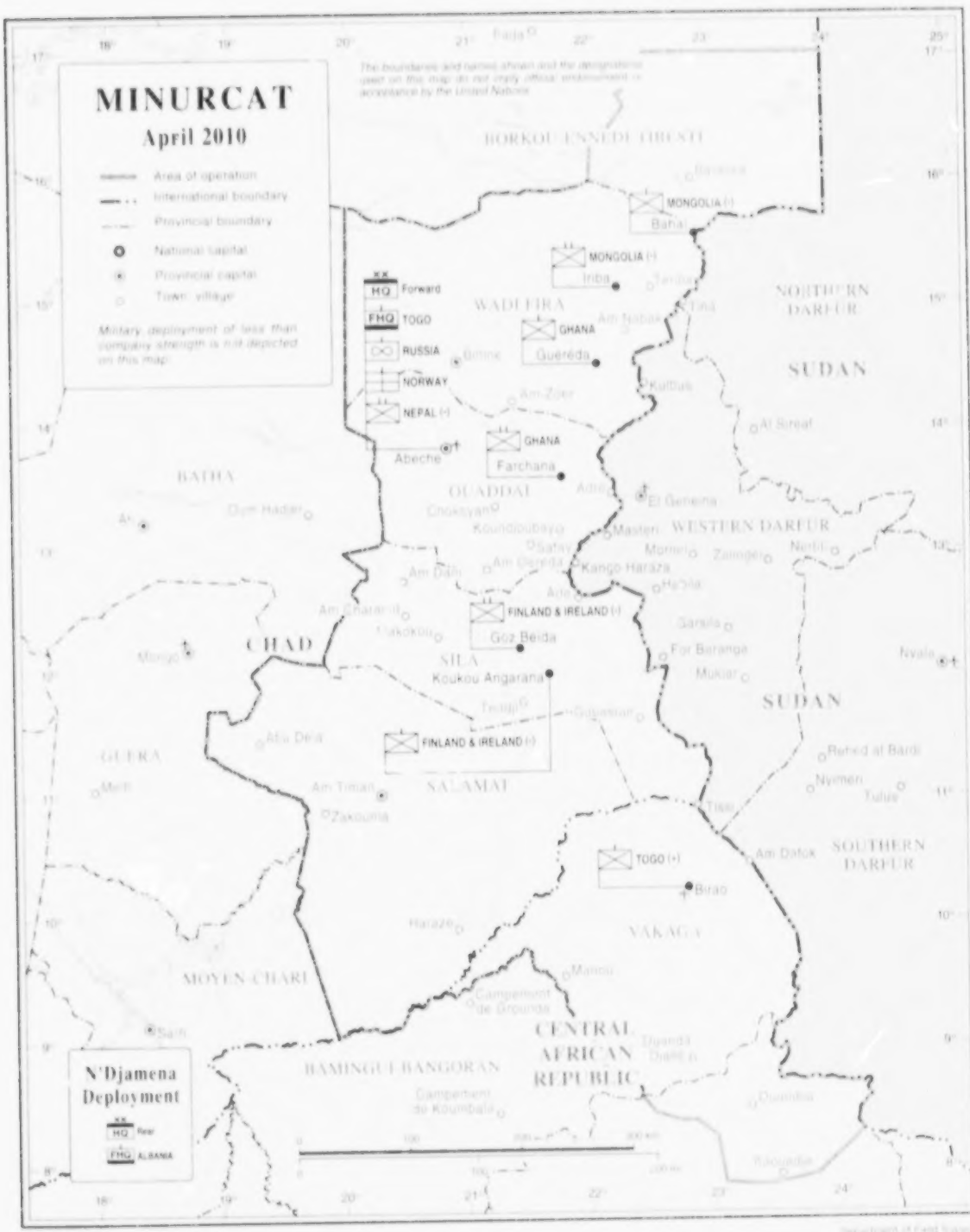
96. Finally, I wish to thank my former Special Representative Victor Da Silva Angelo and the staff of MINURCAT for their tireless efforts in bringing the Mission to an operational level that made possible, despite many hurdles, the commendable results outlined in this report. I also wish to thank Youssef Mahmoud, my current Acting Special Representative, for shepherding the negotiations with the Government of Chad on the future of the Mission. Finally, I wish to extend my gratitude to all staff of the United Nations system in Chad and to the international partners for their generous contributions to the work of MINURCAT.

Annex

Military and police strength as at 23 April 2010

	Military				
Country	*Liaison officers*	*Staff officers*	*Troops*	*Total*	*Civilian police*
Albania	0	0	63	63	0
Bangladesh	2	8	144	154	0
Benin	1	1	0	2	23
Brazil	3	0	0	3	0
Burkina Faso	0	2	0	2	24
Burundi	0	0	0	0	8
Cambodia	0	0	40	40	0
Cameroon	0	0	0	0	9
Congo (Democratic Republic of)	0	1	0	1	0
Côte d'Ivoire	0	0	0	0	33
Egypt	1	1	0	2	9
Ethiopia	0	4	0	4	0
Finland	0	1	75	76	3
France	0	0	0	0	16
Ghana	1	10	799	810	0
Guinea	0	0	0	0	7
Ireland	0	11	407	418	0
Jordan	0	0	0	0	19
Kenya	0	4	0	4	0
Madagascar	0	0	0	0	16
Malawi	0	2	0	2	0
Mali	1	0	0	1	10
Mongolia	0	4	264	268	0
Nepal	1	7	847	855	0
Niger	0	0	0	0	3
Nigeria	2	9	0	11	0
Norway	0	2	119	121	0
Pakistan	2	4	0	6	0
Poland	0	2	0	2	0
Portugal	0	0	0	0	4
Russian Federation	0	0	120	120	0
Rwanda	1	0	0	1	1
Senegal	3	13	0	16	7
Serbia	0	0	3	3	0
Sri Lanka	0	0	6	6	0

Country	Military				Civilian police
	Liaison officers	Staff officers	Troops	Total	
Togo	0	2	450	452	4
Tunisia	4	3	0	7	0
Turkey	0	0	0	0	3
United States of America	0	2	0	2	0
Yemen	1	0	0	1	27
Total	**23**	**93**	**3 337**	**3 453**	**226**



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Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Security Council
Sixty-fifth year

Letter dated 28 April 2010 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

I am compelled, on behalf of the member States of the Arab Group, to convey to you our serious concerns regarding the illegal practices and measures being undertaken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. In addition to the grave situation being caused by Israel's unlawful colonial settlement campaign, especially in and around Occupied East Jerusalem, and the continuing illegal blockade of the Gaza Strip, I must draw your attention to the military order enacted on 13 April 2010 by Israel, by which it has granted itself the power to arbitrarily detain, imprison and deport Palestinian civilians who are deemed by the occupying Power to be so-called "infiltrators", allegedly "residing illegally" in the West Bank, including East Jerusalem.

As was officially brought to your attention by the Permanent Observer of Palestine to the United Nations in letters conveyed on 12 and 16 April 2010, respectively (A/ES-10/487-S/2010/185 and A/ES-10/488-S/2010/190), this Israeli military order (so-called military order 1650) is sweeping and arbitrary and could result in the deportation of tens of thousands of Palestinian civilians, including men, women and children, from the West Bank. Thousands of Palestinians, regardless of their Palestinian nationality, citizenship and residence, in particular civilians bearing Gaza Strip identification, Jerusalemites, Palestinians living in areas now trapped between the illegal annexation Wall and the 1967 border and others are at risk of being labelled "infiltrators" and of being forcibly expelled or deported by the Israeli occupying forces.

The member States of the Arab Group unequivocally condemn this illegal and inhumane Israeli measure and warn against the dangers of its implementation by the occupying Power. Carrying out such an illegal measure would impose grave

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suffering on thousands of Palestinian families and would further fuel tensions and destabilize the fragile situation on the ground at this very critical juncture in the area and throughout the region.

In this regard, it must be recalled that article 49 of the Fourth Geneva Convention prohibits the occupying Power from transferring or deporting civilians from the occupied territory, whether it be individual or mass transfers or deportations, regardless of the motive. Moreover, unlawful deportation or transfer is considered to be a grave breach of the Convention — a war crime — under article 147 as well as under article 85 (4) (a) of Additional Protocol I to the Geneva Conventions. Further, it is imperative to recall that the Security Council has adopted 10 resolutions specifically on the issue of Israel's deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem. All of those resolutions consistently and explicitly reaffirmed the applicability of the Fourth Geneva Convention to the Palestinian Territory occupied by Israel since 1967, including East Jerusalem; deplored or condemned the deportation by Israel, the occupying Power, of Palestinian civilians; and called upon Israel to rescind such measures, to ensure the safe and immediate return of those civilians deported and to desist forthwith from deporting any other Palestinian civilians. A comprehensive background paper on the matter of the deportation by Israel of Palestinian civilians and the relevant Security Council resolutions and applicable provisions of international humanitarian and human rights law has been prepared and is being transmitted herewith to you for your consideration (see annex).

In closing, as noted during the statement delivered by the State of Kuwait on behalf of the Arab Group during the recent Security Council debate on the situation in the Middle East, including the Palestinian question, which was held on 14 April 2010, I wish to reiterate that Israel's illegal practices in the Occupied Palestinian Territory reveal the height of impunity and hypocrisy by the occupying Power, which, as illustrated by the recent military order and other colonization practices, is clearly seeking to displace and expel more Palestinian civilians from their own homeland, while at the same time transferring more and more Israeli settlers to the West Bank, particularly to settlements in and around East Jerusalem, in grave breach of international humanitarian law, all blatantly before the eyes of the international community and in flagrant defiance of the will of the international community, as expressed in countless resolutions and statements.

We urge you to give this matter your urgent attention. Israel, the occupying Power, must be compelled to rescind this provocative and illegal military order and to cease immediately all of its illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem, in compliance with international law, including humanitarian and human rights law, and with the relevant Security Council and General Assembly resolutions. Israel must stop acting as a State above the law and prove that it is a genuine partner in the peace process and that it respects its commitment to the two-State solution for a just, comprehensive and peaceful settlement of the Israeli-Palestinian conflict and, ultimately, the Arab-Israeli conflict as a whole.

I should be grateful if you would have the text of the present letter and its annex distributed as a document of the General Assembly, under agenda items 16 and 32, and of the Security Council.

(*Signed*) Mansour Ayyad SH A **Alotaibi**
Chair of the Arab Group
Ambassador, Permanent Representative
of the State of Kuwait to the United Nations

Annex to the letter dated 28 April 2010 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

Background paper dated 23 April 2010, prepared by the Permanent Observer Mission of Palestine to the United Nations, on the recent Israeli military orders threatening the deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem

- On 12 April 2010 and again on 16 April 2010, the Permanent Observer of Palestine to the United Nations conveyed identical letters to the Secretary-General and the President of the Security Council alerting the membership about a provocative and illegal Israeli military order that threatens with deportation tens of thousands of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem. The Permanent Observer called upon the international community, with the Security Council at its forefront, to act urgently to address this dangerous situation and to compel Israel to rescind its military order and refrain from the deportation of any Palestinian civilians and to cease all other illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and to abide by all of its obligations under international law, including international humanitarian and human rights law. (The letters were followed by the issuance of a communiqué by the Coordinating Bureau of the Non-Aligned Movement and a statement by the Organization of the Islamic Conference strongly condemning the Israeli military order and calling for the international community to shoulder its responsibilities in this regard.)

- By this Israeli military order (so-called military order 1650), which came into effect on 13 April 2010, the occupying Power has granted itself, in flagrant and grave breach of international humanitarian law, the power to deport Palestinian civilians, including men, women and children, in the West Bank that are deemed by it to be allegedly "infiltrating" the Occupied Territory. The scope of the order is vast and arbitrary, potentially affecting any civilian considered not to be in possession of so-called "required permits" issued by Israel, the occupying Power, to reside in the West Bank, including in East Jerusalem.

- Thousands of Palestinians are threatened with being labelled by Israel as "residing illegally" in the West Bank, regardless of their Palestinian nationality, citizenship and residence, and would be subject to detention, imprisonment and forced expulsion by the occupying forces with no recourse or protection for their rights. Those who are potentially at greatest risk are Palestinians bearing Gaza Strip identification, Palestinian Jerusalemites and Palestinians living in the area now between the Wall and the 1967 border (the Green Line), as well as Palestinian expatriates and international aid and development workers, even if they entered the West Bank "legally", that is, with the approval of the occupying Power, which maintains control of all borders and crossings into and out of the Occupied Palestinian Territory.

- This latest Israeli military order threatens the very presence of the indigenous Palestinian population in their own homeland. Such an order, along with other

illegal Israeli measures, including, inter alia, the ongoing settlement and Wall construction, the confiscation of land, the demolition of homes, evictions, residency permit revocations and the closure of areas as so-called "military zones", is clearly yet another attempt by the occupying Power to illegally alter the demographic composition, status and Palestinian Arab nature and character of the Occupied Palestinian Territory, including East Jerusalem. If implemented, such a measure would result in the displacement and deportation of Palestinian civilians from their homes in the Occupied Palestinian Territory and thus constitutes yet another component of Israel's policy of ethnic cleansing of the Palestinian people, a policy that has been continuously pursued by the various measures and practices mentioned above since the occupation began in 1967, in violation of the relevant Security Council resolutions and in grave breach of the Fourth Geneva Convention and other relevant provisions of international law.

Security Council resolutions

- The Security Council has adopted 10 resolutions specifically on the issue of deportations perpetrated by Israel, the occupying Power, against Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem.

- These Security Council resolutions are clear, focused and strong, and all of them, among other provisions, reaffirm the applicability of the Fourth Geneva Convention to the Palestinian Territory occupied by Israel since 1967, including East Jerusalem; deeply regret, deplore and condemn the deportation by Israel, the occupying Power, of Palestinian civilians from the Occupied Palestinian Territory (resolutions 468 (1980), 469 (1980) and 484 (1980) specifically concern the deportation of the Mayors of Al-Khalil (Hebron) and Halhoul and the Sharia Judge of Al-Khalil (Hebron)); call upon Israel to rescind the orders to deport Palestinian civilians; and call upon Israel to ensure the safe and immediate return to the Occupied Territory of those already deported and to desist forthwith from deporting any other Palestinian civilians.

- The resolutions include the following:

  1. 468 (1980)
  2. 469 (1980)
  3. 484 (1980)
  4. 607 (1988)
  5. 608 (1988)
  6. 636 (1989)
  7. 641 (1989)
  8. 694 (1991)
  9. 726 (1992)
  10. 799 (1992)

- The last Security Council resolution in this regard, resolution 799 (1992), was unanimously adopted following the deportation by Israel, the occupying Power, of 418 Palestinian civilians from the Occupied Palestinian Territory on 17 December 1992. This act of mass deportation also constituted a blatant act of collective punishment. The deported civilians included a 16-year-old boy as well as several elderly and ailing Palestinian men, some of whom the occupying Power claimed it had "mistakenly deported". The majority of the

deported were taken by buses, while some were flown by helicopter, across the so-called security zone in southern Lebanon and were dumped there in a mountainous area (Marj al-Zahour) in freezing winter weather. The Israeli occupying forces refused to allow relief agencies and aid convoys to reach the deportees and also shelled the area sporadically to prevent nearby villages from providing the deportees with food and other supplies and also to prevent the deportees from crossing back across the border on foot, which some of the deportees had attempted to do.

- By resolution 799 (1992), the Security Council, inter alia, strongly condemned the action taken by Israel, the occupying Power, to deport hundreds of Palestinian civilians and expressed its firm opposition to any such deportation by Israel; reaffirmed the applicability of the Fourth Geneva Convention to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and affirmed that deportation of civilians constitutes a contravention of obligations under the Convention; reaffirmed the independence, sovereignty and territorial integrity of Lebanon; demanded that Israel ensure the safe and immediate return to the occupied territories of all those deported; and requested the Secretary-General to consider dispatching a representative to the area to follow up with the Israeli Government with regard to this serious situation and to report to the Security Council.

- Security Council resolution 799 (1992) and all other previous Council resolutions regarding Israel's deportation of Palestinian civilians have been extremely important and central in addressing this illegal practice by the occupying Power and in ensuring the return of the majority of the deportees to their homes and families in the Occupied Palestinian Territory.

- In addition to the above-mentioned Security Council resolutions, the General Assembly and other United Nations organs have adopted numerous resolutions deploring Israel's deportation of Palestinian civilians and calling for the return of the deportees, the cessation by the occupying Power of this illegal practice and abidance with international law, including international humanitarian and human rights law.

International humanitarian law

Fourth Geneva Convention

- The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention) is the primary body of international humanitarian law governing situations of armed conflict, including in particular situations of military occupation, with the provisions of the Convention aimed at ensuring the protection and the rights of the civilian population in such circumstances.

- As reaffirmed in at least 27 Security Council resolutions, countless General Assembly, Economic and Social Council and Human Rights Council resolutions, and by the 9 July 2004 advisory opinion of the International Court of Justice, the Fourth Geneva Convention is applicable to the Occupied Palestinian Territory, including East Jerusalem. Israel, the occupying Power, is thus obligated to respect the provisions of the Convention in the Occupied Palestinian Territory, including East Jerusalem. Moreover, in accordance with

article 1 common to the Geneva Conventions, the High Contracting Parties are obligated to respect and to ensure respect for the Convention in all circumstances.

- Article 49 states: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

According to the authoritative commentary by the International Committee of the Red Cross on the Convention, this prohibition is "absolute and allows of no exceptions".

Significantly, article 49 also stipulates that the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. This article is thus aimed at protecting civilians under occupation from deportation as well as prohibiting the occupying Power from settling or colonizing the Occupied Territory with its own civilian population.

- Article 47 states: "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as a result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory."

- Article 147 considers, inter alia, that "unlawful deportation or transfer or unlawful confinement of a protected person" constitutes a grave breach of the Convention.

- In sum, in accordance with the relevant provisions of the Fourth Geneva Convention, deportation by the occupying Power is not only illegal but also constitutes a grave breach of the Convention, that is, war crimes. In this regard, it is also relevant to recall that the 1945 Charter of the International Military Tribunal at Nuremberg defined deportation as a war crime and a crime against humanity.

Additional Protocol I to the Geneva Conventions

- Article 85 (4) (a) stipulates that: "In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol: (a) the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;"

- Articles 50 and 51 of Additional Protocol I to the Geneva Conventions regarding the definition and protection of civilians and the civilian population in situations of armed conflict, including military occupation, are also applicable. Under these additional provisions of international humanitarian law, the obligation to at all times make the distinction between civilians and

combatants is further consolidated, and attempts or measures by the occupying Power to characterize civilians under occupation as so-called "infiltrators" or otherwise in order to take military action against them, including acts of deportation, are thus clearly forbidden.

Human rights law

- There are also several provisions of human rights law that are applicable to the matter of deportation. This includes provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which it has been established are applicable to the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem.

- Article 9 of the Universal Declaration of Human Rights stipulates that: "No one shall be subjected to arbitrary arrest, detention or exile." Moreover, article 13 of the Declaration stipulates that "(1) Everyone has the right to freedom of movement and residence within the borders of each State. (2) Everyone has the right to leave any country, including his own, and to return to his country." Article 15 of the Declaration provides that "(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

- Additionally, article 12 of the International Covenant on Civil and Political Rights provides that: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

- Various other provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as well as of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child are also relevant to the matter of deportations of civilians from the Occupied Territory insofar as they detrimentally affect the civilian population, including their rights to family, livelihood, education, health care, and so on.